

**BRINGING
BACK THE
GAME**

**ARIZONA
FISH AND GAME LAWS
1912-1962**

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Bringing Back the Game: Arizona Fish and Game Laws, 1912–1962
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This document contains laws related to wildlife in Arizona, from statehood in 1912 through 1962. This is a supplement to “Bringing Back the Game: Arizona Wildlife Management, 1912–1962,” a book of wildlife management history published by the Arizona Game and Fish Department in 2012.

Included are those bills passed by the Arizona State Legislature between 1912 and 1962, signed by the governor and incorporated as “Game and Fish Law” under the Arizona Revised Statutes. Other initiatives, referenda, and statutes pertaining to wildlife (including predatory and noxious animals) are also included, thereby providing an accessible resource for those interested in the history of Arizona’s wildlife laws.

This document is neither exhaustive nor complete. Some bills that are arcane or repetitive, or that served a housekeeping purpose, are not included. Some legislation is summarized with annotations by the author and not presented verbatim. The purpose is illustrative only and not intended to either replace the actual laws, or be taken as current law.

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SECTION 1: 1912–28

On February 12, 1912, Arizona was formally admitted as the 48th state to the United States and was no longer a territory. On September 20, 1912, a referendum was filed with the Secretary of State. It was approved by a 13,121 to 6,334 vote in the general election that took place November 5, 1912. This referendum, proclaimed law by Governor George W. P. Hunt on December 5, 1912, abolished the old game code (drafted when Arizona was a territory), and allowed for its replacement by the Arizona State Legislature. After several revisions and amendments, a new game code, Senate Bill 42, was finally signed into law June 24, 1912, during a special session of the First Arizona State Legislature. In addition to regulating the hunting of game birds and animals and licensing the taking thereof, this legislation established a fund of \$1,500 for carrying out its provisions.

In accordance with the new game code, Governor Hunt appointed Frank W. Rogers as State Game Warden January 28, 1913, thereby replacing three “Fish and Game Commissioners” who had taken office only the previous July. Soon after, Rogers died in office. He was replaced by George M. Willard, who was appointed State Game Warden June 11, 1914. (For a complete list of State Game Wardens and Arizona Game and Fish Department directors from 1912 through 1962, see *Bringing Back the Game*, Appendix A.)

During these formative years immediately after statehood, the legislature met in regular session only every other year and in special sessions as needed. At that time, the legislature was responsible for all laws and regulations pertaining not only to the state’s wildlife, but to the budget that funded the provisions and enforcement of game and fish statutes.

FIRST LEGISLATURE, FIRST SPECIAL SESSION, May 23–June 22, 1912

Referendum (Senate Bill 42)¹

Section 1 stated that the State Game Warden’s term of office was two years and that he must post a \$2,000 bond. As part of his duties, he would be required to enforce the game and fish laws and administer the sale of licenses and the collection of fines for a Game Protection Fund. His salary of \$1,200 per annum would come from the fund; if the fund proved inadequate, it would be supplemented by an appropriation from the State Treasury. Once in office, the State Game Warden could issue “wild life” collecting and holding permits, including permits for the raising of game species for propagation purposes.

An initial operating fund of \$500 was appropriated, with the provision that half the fines collected for game and fish violations would go to the local justice of the peace and be turned over to the State Treasurer to be deposited in the fund, and the other half would go to the arresting person or deputy, provided he was not a salaried peace officer.

The State Game Warden was authorized to appoint or relieve deputies in every county of the state; each to enforce the law in their respective county and to receive half the monies from any fines imposed. Each deputy was required to put up a \$500 bond, after which he would be authorized a \$3 travel allowance per diem to be paid semi-monthly upon receipt of a voucher. The deputies were subject to a fine if they failed to uphold and prosecute the game laws.

Section 2 required a hunting license of any resident 12 years and older to take or possess game. Youngsters under 17 years of age did not need a license if accompanied by a license holder, however. Licenses, which could be revoked if misused, would be issued by the State

¹ See *Arizona Wildlife: The Territorial Years, 1863–1912*, Appendix C, to see this act in its entirety.

Game Warden, any deputy warden, or a county clerk. The categories of licenses and their costs would be: general resident license for the taking of game, \$0.50; license for the taking of big game, including turkeys, non-resident \$25, alien \$100; bird hunting license, non-resident \$10, alien \$25; transportation permit for out-of-state shipment of deer or turkey, \$2; and duplicate license, \$0.10. No license was required to hunt or fish on one's own land.

Section 3 established the following seasons: male deer and turkey, October 1–December 15; quail, snipe, and rails, October 15–February 1; waterfowl (ducks and geese), September 1–April 1; “doves and whitewings,” June 1–February 1; trout, June 1–September 1; bass and crappie, September 1–December 1. There were no open seasons on antelope, elk, goats or mountain sheep, does, fawns, roadrunners, bobwhite, grouse, or pheasant, all of which were totally protected.

Section 4 established the following bag limits: two male deer per season; 25 quail per day; 35 ducks per day; 35 doves or whitewings per day; three turkeys per season; and 20 pounds of trout, bass, crappie, or catfish, or 40 fish greater than seven inches long.

Section 5 prescribed the following penalties: a fine of from \$25 to \$50 or imprisonment for not less than 10 days nor more than 30 days for a fishing violation, a fine of not less than \$10 nor more than \$100 or imprisonment for not less than 10 days nor more than 90 days for a hunting violation, \$200 for taking an elk, \$200 for a mountain sheep or goat, \$100 for an antelope, \$50 for a deer, \$10 for each bird, and \$1 for every fish.

Other provisions disallowed the use of steel bullets, nets, seines, traps, cages, snares, salt licks, or artificial light for the taking of game and fish. Fishing was only allowed with hook and line. Also, no game or fish species could be sold or served unless it could be shown that such game or fish came from out of state. The act also prohibited shooting across highways. Great horned owls, hawks, and English sparrows were not protected, but bird eggs were. Songbirds could not be shot, although they could be captured alive and kept in cages.

The act also stated that, “It shall be unlawful for any Indian in the State of Arizona, at any time, to hunt, take, pursue, kill, or destroy any game or fish mentioned in this Act off the government reservation to which he belongs.”

This act and all other acts relating to game and fish were codified as Title 18, Revised Statutes of Arizona, 1913, and were issued in pamphlet form each year thereafter as *Arizona Fish and Game Laws*. In addition to summarizing all the laws pertaining to game, fish, and predatory animals, these booklets contained advice on sportsmanship, US Forest Service pronouncements, and even recipes for cooking various game and fish species.

FIRST LEGISLATURE, THIRD SPECIAL SESSION, April 13–May 17, 1913

Chapter 78 (House Bill 69)

An Act: To make an Appropriation for the Payment of Certain Expenses and Disbursements of the State Game Warden

This appropriation bill was passed May 17, 1913, and authorized \$62.40 to pay the State Game Warden, Frank Rogers, to go to Winslow from February 10–25, 1913, to inspect the elk release taking place south of town.

The original appropriation of \$500 to the general game fund was insufficient for the State Game Warden to conduct necessary business, and this bill authorized \$490 for the salary of a stenographer from February 1–September 1, 1913, at \$75 per month, along with a payment of \$552.40 for general expenditures.

Subdivision 34 authorized payment of the State Game Warden's annual salary of \$1,200 through June 30, 1915.

SECOND LEGISLATURE, REGULAR SESSION, January 11–March 11, 1915

Chapter 8 (House Bill 87) To Establish Fish-Hatching and Fish-Cultural Stations in Arizona

This act, approved February 24, 1915, allowed the federal government (through the US Commissioner of Fisheries) to build and operate fish hatcheries in Arizona.

SECOND LEGISLATURE, FIRST SPECIAL SESSION, April 23–May 29, 1915

Sections 31 and 32 of the General Appropriations Bill

Section 31 appropriated \$3,600 for the salary of the state game warden: \$1,800 for fiscal year ending June 30, 1916, and \$1,800 for the fiscal year ending June 30, 1917.

Section 32 prescribed that all revenues from license sales, permits, fines, penalties, and other sources would go into the Game Protection Fund, and that these monies would be used to pay the salaries of deputy state game wardens, the preparation and publishing of reports and regulations, postage, and all other necessary office expenses of the state game warden. This appropriations bill superseded the one passed by the first legislature in 1913.

Note: The second special session of the second legislature in 1915 dealt almost entirely with laws pertaining to state land. For those interested in the origins of laws pertaining to state land access, leases, etc., this is a good place to begin.

INITIATIVE MEASURE PASSED BY THE ELECTORATE IN 1916

An Act: Relating to the Preservation of Fish and Game and Amending the Revised Statutes of Arizona, 1913

This initiative was passed during the election of November 7, 1916, by the close vote of 17,518 for and 16,849 against, and took effect with the governor's proclamation on December 8, 1916.²

This act, which superseded all other acts, required a valid license or permit for anyone possessing game or fish, and:

1. Shortened the deer season to October 1–November 1, with a bag limit of one deer with horns. The wild turkey season was the same as the deer season, with a bag limit of two.
2. Reduced the waterfowl season to October 15–January 31 and established a bag limit of 20 birds of all varieties.
3. Reduced the dove and whitewing season to July 15–December 31, and the bag limit to 25 birds in the aggregate per day or in possession.
4. Reduced the Gambel's or valley quail season to October 15–December 31, with a bag limit of 20 quail per day or in possession.
5. Established a season for all trout from June 1–September 1, with a bag limit of 25 fish not less than seven inches long per day or in possession.

² This initiative was proposed by Aldo Leopold and sponsored by Arizona game protective organizations.

6. Established a season for all other kinds of fish from January 1–December 31, with a bag limit not to exceed 25 pounds per day or in possession.

In addition, this act changed the license fee to \$1.25 for a resident hunting and fishing license to take all legal game and fish by hook and line. Nonresidents and aliens were to be charged \$20 for the same privilege, or they could purchase a \$10 license to fish with hook and line and hunt small game (turkeys were considered big game).

THIRD LEGISLATURE, REGULAR SESSION, January 8–March 8, 1917

Chapter 4 (Senate Bill 8)

An Act: To Establish a Game Refuge to be known as the Mount Graham State Game Preserve

This act provided that the portion of the Graham (Pinaleño) Mountains within the Crook (now Coronado) National Forest be closed to the taking of game animals. “Nothing in this Act should be construed to interfere with the grazing of livestock or the taking of predators and other obnoxious animals, however. Anyone found guilty of hunting or taking game species within the refuge will be fined not less than \$50 nor more than \$250, or shall be imprisoned in the county jail for a period of not less than three months nor more than one year, or suffer both fine and imprisonment at the discretion of the court.” *Approved February 21, 1917*

Chapter 13 (Senate Bill 52)

An Act: To Establish a Game Refuge to be Known as the Huachuca State Game Preserve

This act set aside the Huachuca and Patagonia Mountains portions of the Coronado National Forest as a game preserve under the same conditions as stated in Chapter 4. *Approved March 3, 1917*

Chapter 41 (House Bill 159)

An Act: To Establish a Game Refuge to be Known as the “Pinal Mountains State Game Preserve” and to Prescribe Penalties for the Violation Thereof

This act set aside the Pinal Mountains portion of the Crook (now Tonto) National Forest as a game preserve under the same conditions as stated in Chapter 4, and placed the preserve under the supervision of the State Game Warden. *Approved March 8, 1917*

Chapter 42 (House Bill 149)

An Act: To Establish a Game Refuge to be Known as the “Blue Range Game Preserve”

This act set aside that portion of the Blue Range Mountains embraced by the Apache National Forest under the same conditions in stated in Chapter 41, except it did not take effect until July 1, 1917. *Approved March 8, 1917*

Chapter 48 (Sub. Senate Bill 27) [quoted here in its entirety]

An Act: To Provide for the Destruction of Prairie Dogs or other Rodent Pests in Counties of the State of Arizona and to Authorize Boards of Supervisors to Levy a Tax to Provide Funds for such Destruction

Section 1: The board of supervisors of any county that does not pay a bounty for the destruction of prairie dogs, is authorized and empowered, upon petition of 100 resident land owners, to levy annually, at the same time and in the same manner as other taxes are levied, a tax of one-half mill on the assessed valuation of all real and personal property in the county subject to taxation; the proceeds of such tax to be set aside and kept in a separate fund to be known as the prairie dog fund, and to be used solely for the destruction of prairie dogs or such other noxious rodents as may be declared a nuisance by the board of supervisors of the county.

Section 2: The board of supervisors of any county having a prairie dog fund, as provided in Section 1 of this Act, is authorized to purchase poisons, grain, and other supplies, or to prepare poisoned grain or other baits, and distribute the same to owners, occupants and lessees of land infested by prairie dogs or other noxious rodents, upon the written promise by such owner, occupant, or lessee that the baits will be distributed on such lands within a reasonable time and in accordance with directions given by the board of supervisors. The board of supervisors is also empowered, when deemed necessary, to employ an agent or agents to prepare the baits and supervise their distribution, and to pay such agent or agents a reasonable compensation for such service.

Section 3: The board of supervisors of any county engaging in the destruction of prairie dogs or other rodents under the provisions of this act may provide poison bait and authorize any person or persons to enter upon land unoccupied by the owner or lessee for the purpose of destroying rodents thereon, upon certification that livestock will not be imperiled by such action.

Section 4: All poison baits prepared and distributed by the board of supervisors shall be placed in containers plainly labeled to show the contents thereof.

Section 5: In order to secure the most effective and economical expenditure of the funds set aside for prairie dog and rodent destruction, boards of supervisors taking advantage of the provisions of this Act shall cooperate so far as practicable with state and federal organizations engaged in similar work. *Approved March 12, 1917*

THIRD LEGISLATURE, FIRST SPECIAL SESSION, May 21–June 19, 1918

Section 11 of the Appropriations Bill

The legislature appropriated \$25,000 to be expended under the supervision of the US Biological Survey, contingent on the appropriation of a like amount by the federal government, for the destruction of predatory animals and rodents. *Approved June 18, 1918*

Senate Joint Memorial 5

The legislature passed this memorial requesting that the US House of Representatives and the President of the United States look favorably on a bill passed in the US Senate creating Grand Canyon National Park.

FOURTH LEGISLATURE, REGULAR SESSION, January 13–March 13, 1919

Chapter 4 (House Bill 32)

An Act: To Establish a Game Refuge to be Known as the Catalina Mountains State Game Preserve

This act set aside the Catalina Mountains portion of the Coronado National Forest as a game preserve under the same conditions as those prescribed for the game preserves established by the Third Legislature. *Approved February 10, 1919, to take effect on July 1, 1919*

Chapter 9 (Senate Bill 9)

An Act: Repealing the Session Laws of Arizona, 1918, and Providing for the Destruction of Predatory Animals and Injurious Rodents by the US Biological Survey

Chapter 9 (Senate Bill 9) repealed an earlier law and paved the way for Chapter 41 (Senate Bill 15), shown next.

Chapter 41 (Senate Bill 15)

An Act: To Provide for the Eradication of Predatory Animals and Injurious Rodents; Making an Appropriation Therefore, and Prescribing the Manner of its Expenditure in Cooperation with the Bureau of Biological Survey, United States Department of Agriculture; Conferring Upon the State Auditor the Authority for Such Cooperation Heretofore Conferred Upon the State Council of Defense, and Transferring the Unexpended Portion of the Appropriation for Said Purpose; and Repealing Paragraphs 5547, 5548, and 5549, Title LVII, Revised Statutes of Arizona, 1913, Civil Code

This act abolished previous acts relating to predatory and noxious animals and made the state a partner with the US Biological Survey in the destruction of wolves, mountain lions, coyotes, bobcats, prairie dogs, ground squirrels, pocket gophers, jackrabbits and other predatory animals and noxious rodents destructive to livestock and detrimental to crops and forage production. The act appropriated \$50,000 per annum for fiscal years 1919 and 1920 to fund the bureau's management actions, which would be done in cooperation with the state Livestock Sanitary Board and University of Arizona Extension Service. The act further provided that all monies derived from the sale of furs of predatory animals be returned to the fund.

Approved March 6, 1919, to take effect immediately as emergency legislation

Chapter 138 (House Bill 136)

An Act: To Regulate Taxidermy

This act required those engaged in the business of taxidermy to obtain an annual \$5 license from the State Game Warden and keep a register of all customers and their specimens. Furthermore, all specimens had to be accompanied by a permit when transported from the place of business. Failure to comply resulted in forfeiture of the license, and was a misdemeanor. All license fees and fines went to the Game Protection Fund. *Approved March 20, 1919*

Chapter 169 (House Bill 137)

An Act: To Amend Section 668, Title 18, Revised Statutes of Arizona, 1913, Penal Code, "Relating to Game and Fish"

This statute amended the original act prescribing fines for the violation of certain game laws so the state could receive a minimum civil action reimbursement in the following amounts: for anyone taking, killing, or injuring elk, \$200; deer, \$50; antelope, \$100; mountain sheep or goats, \$200; each bird, \$10; and each fish, \$5.

This act further provided a depredation complaint procedure by which an offending game animal could be taken or killed, should the State Game Warden determine such action to be justified on the basis of damage. No provision was made to prevent anyone from taking a predatory or furbearing animal doing property damage, however.

Fur prices then being high, the act sought to regulate trapping by requiring anyone over age 18 who hunted or trapped furbearing or predatory animals to purchase a State Trapper's License for \$2.50. Furbearing and predatory animals were considered to be: mountain lion, bear, wolves, foxes, civet cats [ringtails?], leopards [jaguars], muskrats, raccoon, opossum, minks, skunks, otters, beaver, martin, weasel, badger, fisher, ring-tailed cat, coyote, mole and woodrat. Other provisions related to the illegality of removing or disturbing traps on public lands, keeping or propagating fur-bearing animals without a permit, and using game animals for bait.

This act was also the first state law protecting wild hogs or javelina. It stated that anyone who took, killed, imported, distributed, or had in his possession one of these animals prior to December 31, 1922, would be guilty of a misdemeanor. This same prohibition also applied to beaver.

Another provision of the act stated that a current year's hunting license was required for the taking of any game or nongame animal, bird or fish. This is the first time that the term "nongame" is used. It also stated that licenses would be issued by the clerk of the county board of supervisors, the State Game Warden, or his designated deputies.

This act also stated that deer hides may not be sold, bartered, or transported without evidence of its sex attached. Nothing in the act prohibited the possession, tanning, or mounting of legally taken deer, however. *Approved March 26, 1919.*

Appropriations Bill

The legislature directed the payment of \$8,000 to the State Game Warden for his salary and expenses. Half was to be expended during the year ending June 30, 1920, and half during the year ending June 30, 1921. Some idea of the state's commitment to this position and department is gleaned when one remembers that the state Legislature's appropriation for the US Biological Survey was \$50,000 per annum for 1919 and 1920.

FIFTH LEGISLATURE, REGULAR SESSION, January 10–March 10, 1921

Chapter 6 (Senate Bill 44)

An Act: Providing That Boards of Supervisors May Pay for the Destruction of Certain Animals, and Providing the Amount of Such Payment

This act replaced the bounty law passed in 1912 (Brown 2009) and allowed county boards of supervisors to pay the following bounties: on lobos or timber wolves, \$10; mountain lions, pumas, or panthers, \$10; coyotes, \$2; raccoons, \$0.25; lynx and wild cats, \$1; and jackrabbits, gophers, and prairie dogs, \$0.05 each. The act went to some lengths to assure against fraud, requiring that the bounty only be paid on submission of the entire hide of animals taken (other than jackrabbits, for which a pair of ears sufficed). Bounties were to be paid only for animals taken in that county, and each hide or pair of ears was to be marked against further submission. *Approved February 9, 1921*

Chapter 57 (Senate Bill 50)

An Act: To Provide for the Eradication of Predatory Animals and Injurious Rodents; Making an Appropriation Therefor, and Prescribing the Manner of Its Expenditure in Cooperation With the Bureau of Biological Survey, United States Department of Agriculture; Conferring Upon the State Auditor the Authority for Such Cooperation Heretofore Conferred Upon the State Council of Defense, and Transferring the Unexpended Portion of the Appropriation Provided for in Section 1, of Chapter 41, Session Laws of the Regular Session of the Fourth Legislature of the State of Arizona

In essence, this act halved the state's annual appropriation to the US Biological Survey from \$50,000 to \$25,000 for the cooperative destruction of wolves, mountain lions, coyotes, bobcats, prairie dogs, ground squirrels, pocket gophers, jackrabbits and other predatory animals and rodents for the fiscal years ending June 30, 1922, and June 30, 1923. Any money realized from the sale of furs of such animals, and those unexpended monies remaining from the previous legislature's appropriation would be turned over to the Biological Survey so the federal government could continue its work. *Approved March 8, 1921* (Note the amount of monies appropriated, in contrast to the game and fish fund.)

Chapter 167 (Senate Bill 129)

An Act: Prohibiting the Conduct of Any Shoot or Shooting Event With Fire Arms Wherein Any Live Turkey or Other Live Bird or Live Animal is Used as a Target

This law made live turkey shoots illegal and prescribed a fine of no less than \$50 nor more than \$100 for so doing. If the fine could not be paid, the law prescribed a jail term of not less than 15 days or more than 60. *This bill was approved without the governor's signature or objection on March 23, 1921*

Subdivision 44 of the Appropriations Bill

The legislature provided \$10,400 for the Office of the State Game Warden, with the stipulation that \$2,400 be paid for his salary and wages for the fiscal years ending June 30, 1922, and June 30, 1923. His office deputy was to receive \$1,800 per annum, leaving \$1,000 a year for general expenses.

FIFTH LEGISLATURE, SPECIAL SESSION, February 15–April 15, 1922

Section 109 of the Special Appropriations Bill amended Chapter 57, Session Laws of Arizona, 1921 to pay all claims approved by the Bureau of Biological Survey's Predatory Animal Inspector in cooperation with the "State Live Stock Sanitary Board" and University of Arizona. Whether this was a simple housekeeping measure or due to the original appropriation of \$25,000 being insufficient to match the federal expenditure is not known.

Section 2 of the Special Appropriations Bill authorized an annual payment of \$19,430 from the State Game Protection Fund for two field deputies, \$2,400 at \$1,200 each; part-time deputies, \$3,240; travel, \$4,000; department operations, \$4,590; and capital investment, \$5,200. It thus appears that although the State Game Warden was responsible for managing the Game and Fish Fund, the legislature assumed the prerogative of making the actual appropriations. Nonetheless, this increase in salary and operating expenses was obviously much needed.

SIXTH LEGISLATURE, REGULAR SESSION, January 7–March 10, 1923

Chapter 21 (Senate Bill 18)

An Act: Establishing a Closed Season For Beaver During Which No Person Shall Take, Kill, or Destroy Such Animal; and Declaring an Emergency

This bill protected beaver and outlawed their importation until April 15, 1925. *Approved March 2, 1923, under emergency clause and effective immediately*

Chapter 24 (Senate Bill 27)

An Act: To Establish a Game Refuge to be Known as the Coconino-Yavapai State Game Preserve

The strategy of allowing surplus game to expand out of safe breeding refuges to repopulate the surrounding countryside remained in vogue, and the establishment of this preserve in the most remote portions of the Coconino and Tusayan national forests west of Sycamore Canyon is an example. As with previous examples, only the hunting and trapping of game animals was prohibited in these portions of Coconino and Yavapai counties. The taking of predators was allowed, and the act specifically stated that the grazing of livestock would not be interfered with. *Approved March 5, 1923*

Chapter 27 (House Bill 66)

An Act: Providing for the Further Protection of Small Game; Prohibiting the Hunting and Shooting of Quail, White Wings, and Doves from Automobiles and Other Vehicles, and Prescribing Penalties Therefore; and Repealing All Acts and Parts of Acts in Conflict With the Provisions Hereof

This act prohibited hunting and shooting game birds from a vehicle, whether moving or standing still. There was no prescribed fine, but violators were subject to imprisonment in the county jail for not less than 30 days nor more than 90 days. Conviction would also result in the revocation of one's hunting license for a year. *Approved March 6, 1923*

Subdivision 55 of the Appropriations Bill

The Appropriations Bill for this session is somewhat confusing, in that Subdivision 55 sets a salary for the State Game Warden of \$2,400 a year for fiscal years 1923 and 1924. His office deputy is appropriated \$1,800 per annum during this period, and \$1,000 is appropriated for travel, for a total appropriation of \$5,200 per annum. However, the State Auditor and Treasurer are directed to draw warrants on the State Game Protection Fund for \$5,640 per annum for the salary of the State Game Warden, with a total annual operating budget and appropriation of \$31,000, a 60% increase over the 1922 appropriation.

SEVENTH LEGISLATURE, REGULAR SESSION, January, 12–March 14, 1925

Chapter 6 (Senate Bill 21)

An Act: To Repeal Title 18, Revised Statutes of Arizona, 1913, Penal Code, Relating to the Preservation of Game and Fish and All Amendments Thereto, and All Acts in Conflict Therewith; and Directing the Legislature to Enact a Fish and Game Code; and to Provide for the Submission of this Act to the Vote of the People of the State of Arizona at the Next General Election

The year 1925 was a time of conflict between the legislature, Governor Hunt, and State Game Warden Willard. This bill was designed to not only repeal the game laws established through the initiative passed in 1916, but to have the legislature draft a new game code to be voted on by the electorate in a special election to be held in 1926. In the interim, all acts pertaining to the Game and Fish Code were nullified and, except for people fishing on their own property, all hunting and fishing seasons were closed, with violators facing imprisonment of not less than 30 days nor more than six months. Not affected, however, were acts passed by the legislature pertaining to predator control and bounty payments. *Approved February 18, 1925*

The above actions became moot, however, when Chapter 81 of House Bill 225 (which called for a special election to amend the constitution to repeal Title 18, Revised Statutes of Arizona, 1913, and revise other statutes) failed to pass both houses of the legislature.

Appropriations Bill

The Seventh Legislature was dedicated to financial austerity, and the Appropriations Bill for 1925 only provided for a salary for the State Game Warden of \$2,400 per annum with \$500 for travel (a total of \$5,800 for fiscal years 1925–26 and 1926–27). Moreover, Section 2, approved by the legislature March 19, 1925, relegated all monies in the Game Protection Fund to be spent in accordance with the State Financial Code rather than the terms specified by the State Constitution in 1913. Austerity even applied to predator and rodent control, in that Subdivision 48 of the Appropriations Bill only authorized \$30,000 (\$15,000 a year for two years) for the US Biological Survey. These financial restrictions on the Game and Fish Department were unfortunate. They limited Arizona's participation in the range inspections and discussions then taking place with the US government regarding the Kaibab controversy, or attendance at meetings other than the 1925 National Antelope Conference in Washington, D. C.

EIGHTH LEGISLATURE, REGULAR SESSION, November 10, 1926–April 20, 1927

Chapter 9 (House Bill 38)

An Act: Establishing Protection for Beaver and Declaring an Emergency

Chapter 21 (Senate Bill 18) of 1923 having lapsed without renewal, beaver were unprotected between April 15, 1925, and the effective date of this act, which provided for the total protection of beaver until April 15, 1936. *Approved February 10, 1927, under emergency clause and effective immediately.*

Chapter 75 (House Bill 82) Referendum

An Act: To Repeal an Initiative Measure Entitled “An Act Relating to the Preservation of Fish and Game” and Amending Paragraphs 654 and 670, Title XVIII, Revised Statutes of Arizona, 1913, Penal Code, Voted Upon and Passed at the General Election Held November 7, 1916, and to Refer Such Measure to the Vote of the People of the State of Arizona at the Next Regular or General Election

In essence, this act called for the repeal of Title 18 by the general electorate (as a simple majority of the legislature could not repeal an initiative), thereby opening the way for a new game and fish code. *Approved March 15, 1927.* (Note: This referendum failed to be approved in the general election, however.)

Chapter 81 (House Bill 3)

An Act: To Amend Chapter 42 of the Session Laws of Arizona, 1917, Entitled “An Act to Establish a Game Refuge” to be Known as the “Blue Range Game Preserve”

This act refined the boundaries of the Blue Range Game Preserve, withdrawing that portion between the Blue and San Francisco rivers on the west and the Arizona/New Mexico line on the east. All other restrictions and conditions remained as before. *Approved March 15, 1927*

Subdivision 27 of the Appropriations Bill

The legislature continued to pay the State Game Warden a salary of \$2,400 per annum and allocated travel funds of \$500 for fiscal years 1927–28 and 1928–29, along with whatever authorized expenditures were available through the Game Protection Fund.

EIGHTH LEGISLATURE, FIFTH SESSION, November 19–December 31, 1928

Chapter 3 (House Bill 3)

An Act: Requiring the Issuance of Licenses for the Hunting of Game and Taking of Fish of the State, Regulating and Limiting the Seasons and the Bag Limits for Such Hunting and Taking of Fish and Declaring an Emergency

The electorate having repealed the game codes of 1913 and 1916 in the election of 1928 and having called for a special election that established a new game code, it was only prudent that the legislature provide interim legislation calling for license requirements, bag limits, and closed seasons to remain essentially unchanged from those in the 1916 initiative until the new game code could be ratified by the legislature and acted into law.

SECTION 2: 1928–29

NINTH LEGISLATURE, REGULAR SESSION, January 14–March 14, 1929

Chapter 84 (Senate Bill 85)

An Act: To Revise the Laws Relating to Game and Fish Preservation and Creating the Arizona Game and Fish Commission for the Enforcement of this Act; and Declaring an Emergency

By this act, the legislature approved the terms of the initiative voted on in November 1928, establishing a new game and fish code and creating an Arizona Game and Fish Commission to enforce the act through an Arizona Game and Fish Department. Composed of 48 sections, the new Arizona Game and Fish Law was drafted with the assistance and direction of the Arizona Game Protective Association. **[quoted here in its entirety]**

Section 1: Definitions: Terms as used herein shall mean: To “take” birds, animals, or fish, or birds’ nests or eggs, or spawn or eggs of fish, shall mean the pursuit, hunting, capture, or killing of birds, animals, or fish, or collection of birds’ nests or eggs, or spawn or eggs of fish, and shall include pursuing, shooting, hunting, killing, capturing, taking, snaring, netting, and all lesser acts, such as disturbing or annoying, or placing or using any net or other device. “Trap or trapping” shall mean taking in any manner except with gun or implement in hand. “Angling” is the taking of fish by hook and line in hand, or rod in hand. “Open season” is the time during which birds, animals or fish may be lawfully taken, and includes the first and last days thereof. “Closed season” is the time during which birds, animals or fish may not be taken. “Game” includes game animals, game birds and game fish. “Game animals” are deer, elk, antelope, mountain sheep, buffalo, peccary or javelina, tree squirrels, and bears of all kinds. “Big game” are wild turkey, deer, elk, antelope, mountain sheep, buffalo, peccary or javelina and bear. “Small game” are game birds of all kinds except wild turkey and all game animals not listed as big game. “Fur-bearing animals” are muskrats, raccoons, opossums, otters, minks, martins, beavers, and ringtail cats. “Predatory animals” are foxes, skunks, mountain lions, badgers, coyotes, wolves, jaguars, weasels, bobcats and lynx-cats. “Non-game animals” are all wild animals except game animals, fur-bearing animals and predatory animals. “Upland game birds” are quail, partridge, wild turkey, grouse and pheasants. “Migratory game birds” are anatidae or water fowl, including brant, wild ducks, geese and swans, gruide or cranes, including little brown sandhill and whooping cranes, rallidae or rails, including coots, gallinules and sora and other rails, limicolae or shore birds, including avocets, curlews, dowitchers, godwits, white-winged doves and mourning doves, knots, oyster catchers, phalaropes, plovers, sandpipers, snipes, stilts, surf birds, turnstones, willets and yellowlegs, and Columbia, or pigeons, including doves and wild pigeons. “Non-game birds” are all wild birds except upland game birds and migratory game birds. “Game fish” are trout of all species, small and large mouthed black bass, crappie, yellow perch and cat fish. “Non-game fish” are all the species of fish except game fish.

Section 2: Arizona Game and Fish Commission: The affairs of the state relating to fish and game shall be administered by the Arizona Game and Fish Commission, hereinafter referred to as the commission. The commission shall consist of three members, not more than two of whom shall be of the same political party. The members shall be appointed by the governor within thirty days from the time this act shall take effect; the first, second and third members of the commission shall serve respectively until the first Monday in January of 1931, 1933, and 1935. Their successors shall be appointed to serve for the term of six years. The commission shall elect one of its members to serve as chairman of the commission for the term of two years.

The governor may, after hearing, remove a commissioner for inefficiency, neglect of duty or misconduct in office. If removed, the governor shall file in the office of the Secretary of State a complete statement of all charges made against such commissioner and his findings thereon, together with a complete record of the proceedings. No person shall be appointed a member of the commission unless he shall be well informed on the subject of wild life, and requirements for the conservation of animals, birds and fish.

The members of the commission shall each receive a yearly salary of \$1 plus all actual and necessary traveling and other expenses incurred or made by him in the discharge of his official duties. Such expenses are to be paid monthly from the Game and Fish Protection Fund and shall not exceed \$1,000 in any one calendar year. Each commissioner shall give bond to the state in the sum of \$5,000, conditioned for the faithful performance of his duties, the premium thereof to be paid from the state Game and Fish Protection Fund.

Section 3: Office and Place of Hearing: The commission shall have its principal office at the state capitol, but meetings of the commission may be held at any time or place within the state. Any investigation, inquiry or hearing which the commission may undertake or hold may be undertaken or held by or before any commissioner or the secretary of the commission, and same shall be deemed to be the investigation, inquiry or hearing. Decisions of the commission, when approved and entered by it in its minute book, and every order made by a commissioner or the secretary to the commission, when approved and confirmed by the commission and ordered filed in its office, shall be deemed to be the order of the commission.

Section 4: General Powers and Duties of Commission: The commission shall meet at the capitol within 30 days after this act takes effect to make such rules and regulations and establish such services as it may deem necessary to carry out the provisions and purposes of this Act. Thereafter, at least one meeting shall be held annually. Other meetings may be held at the call of the chairman or a majority of the commission.

The commission shall have charge, control and management of the propagation and distribution of wild birds, wild animals and fish. It shall have the conduct and control of all hatching stations and game farms owned, operated, or hereafter acquired by the state. It may issue permits and licenses to persons to operate game farms and fish hatcheries, regulate the same and revoke such permits or licenses for non-compliance with its orders. It shall have charge of the enforcement of all laws for the protection of wild birds, wild animals and fish. It shall have the exclusive power to expend for the protection, preservation, or propagation of game birds, game animals, and fish, all funds of the state acquired for the protection, preservation, and propagation of birds, animals or fish arising from appropriations, licenses, gifts or other sources. It may in the name of the state and with approval of the governor, acquire by purchase, gift or condemnation, lands and water for the use as fish hatcheries or game farms, and areas suitable for game refuges, hunting grounds, or for any other purpose necessary to carry out the provisions of this Act. It may purchase animals, birds, fish, and fish spawn or eggs for the purpose of stocking public lands and waters of the state, and sell fish fry and fingerlings to stock private waters. It may take at any time and in any manner, animals, birds' eggs, fish and eggs and milt of fish for propagation and restocking purposes, or for use at a state game farm or fish hatchery.

The commission may by order close, shorten or alter the open season or bag limits prescribed by this Act for any species of game animal, game birds, or game fish whenever it has good reason to believe that such species of animal, bird or fish is threatened by depletion or requires additional or other protection than that specifically afforded by the provisions of this act. Such order may be made to apply throughout the state or to a particular part thereof, or to a

particular stream or lake or part thereof. The commission may establish and open refuges and safe sanctuaries in which game, fur bearing animals and birds may breed and replenish adjacent areas, and may designate certain areas as rest grounds for migratory birds in which hunting shall be forbidden or restricted at such times as the commission may designate, endeavoring as much as possible to establish small refuges rather than large preserves, not to close large areas to hunting, nor to interfere unnecessarily with the hunting of migratory birds, but to provide havens in which they can rest and feed without molestation. The preceding sentence shall not apply to the Blue Range Game Preserve until two years after the effective date of this Act. The commission may remove or permit to be removed from public or private waters any fish which hinder or prevent the propagation of game or food fish, and fish so taken may be disposed of in such manner as it may designate.

No person shall plant any game fish or other fish, fish fry, or spawn in any of the bodies of water of the state, nor introduce nor liberate any game birds or game animals or any other wild animals on the lands or in the coverts of the state without the written consent of the commission, or within federally controlled lands within the state until after written consent of the federal department having jurisdiction thereof is received. The commission may enter into cooperative agreement with any federal department having jurisdiction over any federally controlled lands in Arizona, in carrying out such rules and regulations as may be established by such department for the protection and perpetuation of game animals thereon, or for the disposition of surplus game animals, there from, and it shall be lawful to possess, sell, and use in or remove from the state any animals killed or captured in compliance with such agreement or regulation, when such animals are tagged or marked so as to establish their identity as animals taken on such federal land.

Section 5: Publication of Orders and Regulations of Commission; Signboards of Refuges: Rules, regulations and orders of the commission having general application throughout the state shall be published in such manner as the commission may determine so as to give them general publicity. Those of special character having local application only shall be published once in some newspaper published in and having general circulation in the locality wherein such rules, regulations and orders are applicable and a copy of such rules, regulations, and orders shall be posted in three conspicuous places in the locality in which they are applicable. Notices or signboards not less than one foot square shall be conspicuously posted by the commission close to and along the entire boundary of any refuge, sanctuary, rest ground, lake or stream or portion thereof closed to hunting or fishing by orders of the commission, warning all persons against hunting, fishing or trespassing therein. As many of such notices or signboards shall be posted as the commission may determine to be best calculated to give public notice of the location of the boundaries of such refuge, sanctuary, rest ground, or other closed area. An order of the commission closing any area to hunting or fishing shall not become effective until such order has been published as herein required, and a certified copy of the order filed in the office of the recorder of the county or counties in which such closed area is located.

No person shall take or destroy any animal, bird, or fish, or bird's nest or egg, or eggs or spawn of fish from any refuge, sanctuary, rest ground, or other area closed to hunting or fishing by order of the commission; provided, it shall be lawful for a duly accredited employee of the state, or of the federal government to take predatory animals or rodents on any such closed area.

Section 6: State Game and Fish Warden; Salary: The commission shall appoint a State Game and Fish Warden who shall possess a thorough knowledge of animals, birds and fish, and the requirements for their conservation. The State Game and Fish Warden shall act as

secretary to the commission and shall serve for a term of four years, unless removed by the commission, after hearing, for inefficiency, neglect of duty or misconduct in office. If removed, the commission shall file in the office of the Secretary of State a complete statement of all charges made against him and its findings thereon, together with a complete record of the proceedings. The State Game and Fish Warden shall not hold any other office, and shall devote his entire time to the duties of his office. The State Game and Fish Warden shall receive an annual salary as fixed by the commission, not exceeding \$3,600 plus his actual necessary travel and other expenses and disbursements, not exceeding \$1,200 in any one calendar year, to be paid from the Game and Fish Protection Fund.

Section 7: Deputy Wardens; Salary: The State Game and Fish Warden may appoint, with the approval of the commission, deputy wardens, for the payment of whose salary money is available in the Game and Fish Protection Fund. The deputies shall be located in the different sections of the state where their services are most needed. The commission shall fix the salaries of the deputy wardens, provided however, that they shall not receive more than \$180 per month during their first two years of service, nor more than \$200 per month for their second to fourth years, nor more than \$220 for their fourth to sixth years in the department, and special deputies shall receive not more than \$150 per month; provided further that they shall be paid their actual and necessary traveling expenses incurred in the performance of their duties, not exceeding \$60 during any one month. The salaries and expenses of the deputies shall be paid out of the Game and Fish Protection Fund.

Section 8: Political Activity Prohibited: The State Game and Fish Warden or a paid deputy warden shall not take any active part, other than to privately express his opinions, in any political campaign, nor use his office or influence in interfering with an election or affecting the results thereof.

Section 9: Bond of Warden and Deputies: The State Game and Fish Warden shall give to the state a bond in the sum of \$10,000, and each deputy, except special deputies serving without pay, shall give to the state a bond in the sum of \$1,000, conditioned for the faithful performance of their duties; the premium therefor to be paid out of the state game and fish fund.

Section 10: Duties and Powers of Warden and Deputies: The State Game and Fish Warden shall have general supervision and control of all deputy wardens, and under the supervision and direction of the commission enforce all provisions of this Act. The State Game and Fish Warden and his deputies may execute all warrants issued for a violation of this Act, serve subpoenas issued in any matter arising under this Act, and any deputy warden, except peace officers, may search without warrant when he has reasonable cause to believe that animals, birds or fish, or any part thereof, or the nests or eggs of birds, or spawn or eggs of fish, are possessed in violation of law, and in such cases examine, without warrant, the contents of any aircraft, boat, vehicle, box, locker, basket, crate, game bag or other package, and tent or building, other than a dwelling house, to ascertain whether any of the provisions of this Act have been or are being violated; seize all animals, birds, or fish, or parts thereof, or nests or eggs of birds taken or possessed in violation of law, or showing evidence of illegal taking, and seize and confiscate all devices illegally used in taking animals, birds, or fish and firearms illegally possessed and to hold the same subject to the order of the commission; and generally exercise the powers of peace officers in the enforcement of this Act.

Section 11: Application to Fish or Game Taken Without the State: Where the possession, transportation, purchase, or sale of any wild animal, wild bird, or fish or any part thereof, is restricted or unlawful, the possession, transportation, purchase, or sale of such animal,

bird, or fish, or any part thereof, coming from or taken without the state, whether belonging to the same or different species from that native to this state, but belonging to the same family as those protected by this Act is, unless otherwise herein provided, unlawful.

Section 12: Taking Limit; Possession, Sale and Transportation Restricted; Hunting with Dogs Prohibited: No person shall take any wild bird, wild animal, or fish, or the nest or egg of any wild bird, or the spawn or eggs of fish, or possess, buy, sell, offer or expose for sale or transport, or receive from another, any such bird, animal, or fish, or part thereof, or any bird's nest or egg, or any spawn or eggs of fish, except as expressly permitted by this Act. The possession of any game animal, game bird, or game fish, or part hereof, in any hotel, restaurant, café, market or store, shall be prima facie evidence of the possession thereof for the purpose of sale in violation of this Act, but this provision shall not prohibit a person lawfully obtaining such game animal, game bird, or game fish from having it prepared in a public eating place and served to himself and guests or placed in storage, during the respective open seasons therefor and 10 days immediately thereafter. Any person may have in his possession not more than 25 pounds of dried meat of game animals lawfully killed. No person shall take or run, with the aid of a dog or dogs, any game animal except bear. Any act committed or done by a dog or dogs in running a game animal shall be deemed a violation of this section, for which the owner of the dog shall be liable.

Section 13: Manner of Taking Small Game Animals, Birds and Fish: Small game animals and game birds shall be taken only in daytime between half an hour before sunrise and before sunset with a shotgun not larger than No. 12 gauge, unless otherwise herein specifically permitted, except that game animals may also be taken with a rifle, without using steel or hard-point bullet. No person shall take any game animal, game bird, or game fish, by the aid or with the use of any jacklight, or other artificial light, net, trap, snare, saltlick, scaffold, deadfall, pit, explosive, bird lime or poison, nor shall any person use part of any protected bird, game animal, or fish as bait in taking any wild animal; nor shall birds or animals be taken from any vehicle, automobile, aircraft, powerboat, sailboat and boat under sail, or any floating device towed by power boat or sailboat; nor shall any person shoot any firearm upon, from or across any public highway or railway, except by a special permit issued by the commission. A person may take game animals and game birds during the open season therefor from blinds, and with the aid of dogs and use of decoys, unless specifically prohibited herein. Fish may be taken only by angling.

Section 14: Silencer on Firearms Prohibited; Single Charge, Confiscation: It shall be unlawful for any person to take into the field or forest, or to have in his possession, while hunting wild animals or birds, any device designed to silence, muffle or minimize the report of any firearm, whether separated from or attached to such firearm. It shall be unlawful to kill or attempt to kill any deer, bear, peccary or javelina except through the use of a gun propelling one ball or bullet at a single charge. The gun or implement used by any person in illegally killing any song or insectivorous bird is a nuisance and may be seized by any peace officer and confiscated by the warden for not more than one year.

Section 15: Indians Prohibited from Hunting or Fishing: It shall be unlawful for any Indian, unless he is a citizen of the United States, to take any game or fish in this state at any time when not on the government reservation to which he has been assigned.

Section 16: Transportation of Game or Furbearing Animals, Birds or Fish by Common Carrier: No common carrier shall transport any game animal, fur-bearing animal, game bird, or game fish, or any part thereof, or the nest or egg of any bird, or receive or possess the same for transport, unless the person offering the same for shipment exhibits to the carrier a

valid license for the taking of the thing offered for shipment, and has securely attached to it a valid shipping permit issued hereunder, or a coupon detached from such permit. Specimens for scientific purposes taken or possessed under a regularly issued permit for the collection and possession of wild animals, wild birds, their nests or eggs, may be received and transported to points within or without this state when the words "specimens for scientific purposes" are endorsed on such shipment, and a scientific permit is exhibited to the carrier at the time the package is offered for shipment.

Section 17: Restriction on Transportation and Importation: A resident of this state may transport within this state, during the open season therefore, animals, birds, and fish lawfully taken. A non-resident of the state and a holder of a valid non-resident hunting, trapping, or fishing license may, under a permit issued by the commission, transport within this state or from a point within to a point without the state, otherwise than by parcel post, during the open season therefor, animals, bird, and fish lawfully taken by him, or parts thereof; but he shall not transport out of the state more than one male deer and two wild turkeys, or more than one day's bag limit, in any one calendar week, of other game animals, game birds or game fish. A person lawfully taking game animals, birds or fish without the state may transport the same or parts thereof into this state, other than by parcel post, during the open season therefor in the state or country where taken and within five days thereafter, if lawfully brought from the place where taken and the package containing them has attached thereto a shipping permit issued by the commission. Game animals, birds or fish so imported may be possessed at any time, but migratory game birds brought into this state may be possessed only in accordance with the United States Migratory Bird Treaty Act and regulations thereunder. Transportation commenced during the open season may be completed within five days succeeding such open season. Fur or furbearing animals, except beaver, if lawfully taken, and predatory animals, non-game animals, non-game fish and birds for which no closed season is provided may be possessed and transported at any time.

Section 18: Transportation, Sale and Possession of Specimens: A person may transport and possess at any time and in any manner the heads, antlers, hides, feet, or skin of game animals, game birds, or game fish lawfully taken, and buy and sell the mounted specimens of the same; and the skins of game birds and game fish lawfully taken and possessed, provided the person selling such specimens has a written permit, issued by the commission, authorizing him to do so, but the skins of migratory game birds may be sold or transported only in accordance with the United States migratory bird treaty act and regulations thereunder.

Section 19: Possession of Game Animal, Birds and Fish: Game animals, game birds and game fish lawfully taken, and parts thereof, may be possessed during the open season therefor and the first 10 days next succeeding the close of such open season, but a person may not have in possession at any time more than one male deer, two wild turkeys, and one day's bag limit of other game animals, game bird, and game fish.

Section 20: Marking Packages for Transportation: Any package in which any game animal, game bird or game fish, or part thereof, or egg or nest of any wild bird, non-game animal, fish or bird, or fur-bearing animal, is transported shall have clearly and conspicuously marked on the outside thereof, the names and addresses of the consignor and the consignee together with an accurate statement of its contents, and the number of the shipping permit where such permit is required.

Section 21: Sale of Imported Plumage Prohibited: No person shall purchase, offer to purchase, sell, offer to sell, expose for sale, or have in possession for sale any bird of paradise,

egret or gaura pigeon or any other feather or any part thereof, except when bought, sold or possessed for scientific purposes, under a permit issued pursuant to this Act.

Section 22: Trappers: It shall be unlawful for any person over the age of 15 years to trap for fur-bearing and predatory animals in this state, unless such person shall have first obtained a state trapper's license. It shall be unlawful for any alien to trap within the state. Every trapper shall keep an accurate register of his catches, and he shall make a report of the same for the preceding year to the state Game and Fish Commission not later than January 10th of each year. Each trap shall carry a metal tag with the current license number of the owner securely attached thereto. Daily inspection must be made of traps when in use. The traps of any person trapping without a license off his own lands shall be seized by the state Game and Fish Warden or his deputies and may be sold and the money derived from such sale shall be deposited in the State Game and Fish Protection Fund.

Section 23: License Fees: Licenses shall be divided into classes and fees paid therefor as follows: Class A resident general hunting and fishing license \$2.50, Class B resident fishing licenses \$1.25, Class C resident trapping license \$3.50, Class D non-resident general hunting and fishing license \$35, Class E non-resident fish and small game license \$10, Class F non-resident special fishing license \$2.50 (valid for 15 days from date of issue), Class G non-resident trapping license \$25, Class H alien general hunting and fishing license \$75, Class I alien fish and small game license \$30, Class J special license (alien applicant for citizenship) for general hunting \$25, Class K special license (alien applicant for citizenship) fishing and small game \$10. Classes A, D, H, and J includes all varieties of fish and game; Classes B, E, I and K include all fish and small game; Classes C and G include all varieties of predatory and fur-bearing animals; and Class F includes all kinds of fish that may be taken under this Act. An alien applicant for citizenship may not receive during the pendency of his application more than two classes J or K licenses.

Section 24: Disposition of Fees: The officer issuing the licenses shall on the first Tuesday of each month transmit to the commission all license fees, with a statement setting forth the name and residence of each licensee, the serial number and class of, and the amount paid for each license issued. The officer, other than the state Game and Fish Warden or deputy wardens, issuing the license shall retain as his compensation 10 percent of all license fees collected.

Section 25: Form and Contents of License; Shipping Coupons; Exhibiting License; Minors: The form of license shall be determined and the license blanks prepared by the commission and by it furnished and charged to the person authorized to issue licenses. Each license shall be accompanied by a shipping permit, authorizing the licensee, if a resident, to ship within the state not to exceed one day's bag limit of game or fish, and, if a non-resident, to ship either within or out of the state not to exceed one day's bag limit of game and fish, which permit or coupon thereof must be attached to the shipment. If a resident desires, and is entitled to make additional shipment within the state, or a non-resident desires and is entitled to make additional shipment either within or without of the state, he shall first secure from the commission an additional permit authorizing the shipment and which shall be attached to it. The commission shall provide the state Game and Fish Warden and his deputies with coupons or shipping permit blanks, which shall be issued by them, in accordance with the provisions of this section, upon payment of a fee of \$0.25 each. The licenses shall be issued in the name of the commission, sealed with its seal and countersigned by the officer issuing the same. Each license shall be signed by the licensee in ink on the face thereof, and there shall be issued with each license authorizing the killing or taking of deer or wild turkeys, suitable blank forms for attaching to any

deer or wild turkey when killed or taken and for reporting the same to the state game warden. All persons killing or taking any deer or wild turkey shall make report thereof on such forms to the state game warden and failure to do so shall be unlawful. Each license shall be void after the 31st day of December next succeeding its issuance. No person shall take fish, birds, or animals in this state, unless, at the time of such taking, he shall have such license on his person and shall exhibit the same upon request for inspection to any person. This section shall not apply to an American-born resident or non-resident of the state under 16 years of age, but such a resident or non-resident may take birds, animals or fish when accompanied by a person holding a valid license.

Section 26: Report of Licensing Officer: On the 31st day of December of each year, each officer authorized to issue licenses shall detach the stubs of license issued and forward the same, securely attached to a report of the number issued and the amount of license money received, to the commission and at the same time shall return to the commission all such stubs and reports and unused licenses with a final report recapitulating and tabulating the total number of licenses of all kinds issued by such officer. The commission shall enforce the making of such return, and any person failing to comply with provisions of this section shall be deemed guilty of a misdemeanor.

Section 27: Guides; Licenses; Fees; Reports: No person shall directly or indirectly engage or act as a guide, as the term is generally understood, for any person hunting game, predatory animals, or any other animals, in this state without having satisfied the commission of his reliability and having procured from the commission, upon the payment of \$10, a license authorizing him to act as a guide, which license must be carried on his person while he is so acting as a guide. No guide license shall be granted, except to a citizen of the United States and a bona fide resident of this state, 21 years of age or over. Such license shall expire on the 31st day of December succeeding its issuance. Each licensed guide shall act without pay as a deputy game and fish warden, with the powers and duties of a deputy game and fish warden. If a licensed guide fails or neglects to enforce the provisions of this Act, or violates or connives or assists in any violation of this Act, his license may be revoked by the commission and he also shall be liable to punishment as for a violation of this Act. On the last day of each month, or as requested, each guide shall, on a blank form furnished by the commission, report under oath to the commission the name and address of each person guided by him, number of days he has been so employed by such person, and, as nearly as practicable the number of game animals, birds, and fish taken by such person and himself, and such other information as the commission may deem desirable.

Section 28: Unlawful Taking Devices Public Nuisance: Each net, trap, explosive, poisonous or stupefying substance or device set, used or intended for use in taking animals, bird, or fish in violation of this Act, is hereby declared to be a public nuisance, and, when found, may be abated and summarily destroyed by any person, and each officer authorized to enforce this Act shall seize and summarily destroy any such device, or such devices as may be retained by the commission, but nothing in this Act shall prevent the commission from using proper means for the promotion of game and fish propagation and culture. The commission or its representatives may seize and hold the firearm or other implement of any violator of this Act pending his case in court. If the court finds said firearm or implement a nuisance, said firearm or implement may be confiscated and disposed of by the commission.

Section 29: Wild Deer, Bear, Peccary or Javelina; Bag Limit: Any one person may take from October 16 to November 15, only one wild male deer having pronghorns. Such wild animal, or part thereof, shall not be transported unless it bear evidence from which the sex of the

animal may be determined; one bear may be taken from October 16 to November 15; one peccary or javelina may be taken from November 1 to January 31.

Section 30: Wild Elk, Antelope and Mountain Sheep: There shall be no open season for wild elk, antelope and mountain sheep, but they may be brought into the state for breeding purposes under a permit issued by the commission. A person may bring into the state the carcass of any such animal, or part thereof, legally killed by him outside the state.

Section 31: Tree Squirrels: There shall be no open season on Kaibab or white-tailed squirrels, Chiricahua squirrels, nor on Arizona tree squirrels in that part of Arizona lying south of the Gila and Salt river Base and Meridian. A person may take not to exceed six spruce squirrels, Abert squirrels or tassel-eared gray squirrels (except Kaibab squirrels) in any one day between September 1 and October 31.

Section 32: Beaver; Closed Season; Permits: There shall be no open season for beaver, but the commission may issue permits to owners or lessees of land for the capture of such beaver as it determines are interfering with the operation of any lawful canal, ditch, or dam, or are causing or threatening the destruction of private property, but the person so authorized to take beaver shall promptly turn in all skins of beaver so taken to the commission, which may sell such skins and proceeds shall be paid to the state treasurer to be deposited to the credit of the state Game and Fish Protection Fund. Where deemed advisable such beaver may be removed by the commission to another locality.

Section 33: Open Season of Other Fur-bearing, Predatory and Non-game Animals: Muskrats, raccoons, opossums and otters may be taken in any number with a gun or trap from November 1 to March 1 and such animals legally taken and parts thereof may be possessed, transported, bought, and sold at any time, in accordance with this Act. Predatory and non-game animals may be taken in any number and manner and may be possessed, bought, sold and transported at any time.

Section 34: Game Birds; Open Season; Limit: Wild turkey may be taken from October 16 to November 15; not more than two during one season by one person. Gambel and scaled quail may be taken from November 1 to December 31. It shall be unlawful for a person to take or have in his possession in any one day more than 20 quail in the aggregate. Bobwhite, mearns (or fool) quail may not be taken at any time. Whitewings may be taken from July 15 to August 31, and mourning doves may be taken from September 1 to December 15; bag limit, whitewings and mourning doves, 20 per day in the aggregate. Migratory water fowl may be taken from October 16 to January 31; bag limit wild ducks, 15 birds in any one day or in possession; brant or geese, two birds in one day or in possession. Plovers, curlews, coots, and yellowlegs and snipe October 16 to November 30; bag limit 15 in the aggregate or in possession. It shall be unlawful to hunt, kill, take, injure, destroy or have in possession any other migratory birds except as herein provided, or as prescribed by regulations which the commission is authorized and directed from time to time to make and which do not conflict with laws of the United States relating to migratory birds, and the rules and regulations issued from time to time thereunder. Any violation of such laws or rules and regulations issued thereunder, shall be deemed a violation of this Act.

Section 35: Certain Non-Game Birds Unprotected: English sparrows, crows, hawks, great horned owls, kingfishers, magpies and jays, chaparral cocks (roadrunners) and their nests and eggs may be taken in any manner and number, and may be possessed, bought, sold and transported at any time. Any bird, except game birds, song birds, or insectivorous birds may be taken when caught in the act of destroying domestic livestock, poultry, game, other protected bird, their nests or young, or fish.

Section 36: Fish; Taking Season; Limit: Trout of all kinds may be taken from June 1 to September 30; bag limit, 25 individual fish, or 25 pounds of fish in one day or in possession at one time. All other kinds of fish may be taken from January 1 to December 31; bag limit, 30 individual fish, or not to exceed 25 pounds in one day, or in possession at one time, including all kinds except trout, No game fish less than seven inches long may be taken.

Section 37: Polluting Streams Prohibited: No person shall throw or allow to run into any waters, either private or public, any sawdust, lime, or any other substance that will injure or destroy fish or drive them from any such waters.

Section 38: Fish Screens: It shall be the duty of the owner or owners of any canal or ditch into which any portion of waters of any stream containing fish is diverted for the purpose of irrigation, or any other purpose (which consumes such water) to construct and maintain at the head of such canal or ditch a paddle wheel or wheels, screens, or other device, as may be directed by the state Game and Fish Commission, which device shall be maintained during such portion of each year as such waters are so diverted for irrigation or other purposes.

Section 39: Disposition of Seized Animals, Birds, Fish and Firearms: The edible portions of all game animals, game birds, and fish seized under the provisions of this Act shall be disposed of by the commission to charitable institutions. Non-game birds and the plumes or skins of game birds of foreign species shall be disposed of by the game warden by gift to scientific institutions, or may be kept by the commission for scientific or educational purposes, or may be destroyed. A receipt shall be taken from the donee and a record of such gifts kept by the commission. The head, antlers, horns, hide, skin, feet, or parts of any game animals, other than the edible portions thereof, or firearms, implement, or other article seized under this Act, may, after judgment, or if the person offending cannot be ascertained then without judgment, be sold by the warden at public auction to the highest and best bidder after notice by publication at least once in the newspaper of general circulation in the county where such sale is to be held, the date of the sale to be not less than five nor more than 30 days after the last day of such publication. If the property seized is perishable it may be sold before conviction and after such notice by posting or publication as the game warden may determine. The purchaser may possess the same without thereby offending this Act. The money obtained from the sale of such property shall be paid to the state treasurer to the credit of the state Game and Fish Protection Fund; if the property be perishable and sold before conviction, the money may first be deposited in court and upon conviction, or if the person offending cannot be ascertained, paid to the state treasurer. The state Game and Fish Warden and each deputy shall make full and complete report to the commission of all property by him seized, showing a description of the property, the person from whom it was seized, the price received therefor upon public sale, and the disposition of the money. The commission shall keep a record thereof.

Section 40: Permit to Capture or Destroy Animals Injurious to Property for Scientific or Breeding Purposes: The commission may issue permits to kill or capture alive any species of animals or birds which are seriously injurious to agricultural or other interests in any particular community. If captured they may be placed in other sections of the state for restocking purposes or may be disposed of as the commission may determine; such permit shall expire and be void 30 days after date of issuance. The commission may also issue a permit, revocable at pleasure, to any person to collect and possess wild animals or wild birds, or birds' nests or eggs, for scientific propagation or exhibition purposes, but no permit shall authorize the collection, possession, purchase or sale of migratory birds, other than migratory waterfowl for propagation purposes. The applicant for a permit for scientific purposes must file written testimonials from

two well known ornithologists or zoologists, and pay the sum of \$1 for the permit, but duly accredited representatives of public educational or scientific institutions, or governmental departments of the United States engaged in the scientific study of birds and animals may be granted such a permit without endorsements or charge. A scientific permittee shall not be required to obtain a hunting license for taking birds or animals for scientific purposes.

A person holding a permit issued pursuant to this section may buy, sell, possess, and transport, for scientific purposes, animals and birds legally taken, and sell them alive for propagation to a person holding such a permit. When transported, said specimens or the package in which the same are transported, shall have clearly and conspicuously marked on the outside the name and address of the consignor, and consignee, an accurate statement of the contents, and that such specimens are for scientific or propagation purposes. Each person receiving a permit under this section must file with the commission within 15 days after the expiration of his permit, a report of his activities under the permit, which report shall set forth the name and address of the permittee, number of his permit, number of specimens of each species taken thereunder or otherwise acquired, disposition of the same, names and addresses of persons acquiring the same from the permittee, the number of each species reared in captivity and the number on hand for propagation purposes at the expiration of the permit.

The commission may also issue a license to game and fish breeders, and the game and fish artificially propagated by such licensee may be possessed, bought and sold under such regulations as the commission may prescribe.

The commission is hereby authorized to prescribe from time to time rules and regulations governing the possession, sale, and transportation of animals and birds for propagation purposes raised in captivity under this Act.

Section 41: Duties of Sheriffs and Other Peace Officers; Reward: All county, city and town peace offices are hereby made ex-officio special deputy game and fish wardens and shall aid in the enforcement of this Act. Any other person shall receive the sum of \$10 in any action involving a violation of this Act, in which he may secure the evidence upon which the conviction was obtained, to be assessed against the defendant as costs; if no conviction is procured, no fees shall be taxed against the state or county. If the costs are not paid by a defendant, the \$10 shall be paid out of the state game and fish protection fund.

Section 42: County Attorneys; Duties: Each county attorney shall prosecute and defend for the state, in all courts of the county, all actions, criminal or civil, arising under this Act in which the state or an officer of the commission may be a party or may be interested.

Section 43: Immunity of Witnesses: No person called upon by the state to testify as a witness in any action brought under this Act shall be excused or exempted from so testifying or from producing documentary evidence on the ground that such testimony or evidence might incriminate him, but such person shall not thereafter be prosecuted for any offense concerning which he is called upon to give such testimony or evidence.

Section 44: State Game and Fish Fund: The commission shall on or before the last Tuesday of each month, pay to the state treasurer all money received by it from licenses or from any other source under this Act, and the state treasurer shall deposit such money in a special fund to be known as the state Game and Fish Protection Fund, which is hereby set aside, appropriated, and made available to the commission in carrying out the provisions of this Act, and such fund shall be used for no other purpose. Warrants shall be drawn on said fund as other state charges are paid.

Section 45: Fines; Reports of State Treasurer and Justices of the Peace: All fines or penalties collected for violations of this Act shall be immediately paid by the officer collecting or receiving the same to the state treasurer, who shall credit such money to the Game and Fish Protection Fund. The state treasurer shall render a monthly statement to the commission on or before the 10th day of each month, showing all money received and paid by him during the preceding month under this Act. Each justice of the peace and each clerk of the court of record shall within 20 days after a judgment has been rendered under this Act, report in writing to the commission the results of the prosecution, the amount of fines or penalties collected, if any, and the disposition thereof.

Section 46: Penalties: Unless a different or other penalty or punishment is herein specifically prescribed, a person who violates any provision of this Act, or who violates or fails to comply with any lawful order, rule, or regulation adopted by the commission is guilty of a misdemeanor, and in addition thereto, is liable to an additional penalty of \$25 for each animal, bird, or fish, or part thereof, or each nest or egg of any bird bought, sold, offered for sale, taken, possessed, or transported in violation of this Act.

Any person who takes, possesses, transports, buys, sells, or offers for sale any deer, elk, antelope, beaver, bear, mountain sheep, or peccary or javelina, or any part of any such animal, in violation of this Act or any lawful rule or regulation of the commission, or who detaches or removes from the carcass of any such animal a portion thereof and thereby removes or conceals evidence of sex, or who shall use any explosive compound or any corrosive or narcotic poison or other deleterious substances for the purpose of catching, stunning, or killing fish, shall be guilty of a felony, and shall be punished by a fine of not less than \$200 nor more than \$1,000, or by imprisonment in the county jail for not less than six months, nor more than one year, or by both; and, in addition thereto, is liable to an additional penalty of \$50 for each animal or part thereof, or fish, taken, destroyed, possessed, transported, bought, sold, or offered for sale in violation of this Act.

Any public officer who fails to perform any duty imposed by any of the provisions of this Act, or any lawful rule or regulation of the commission, is guilty of a misdemeanor.

Any person having knowledge of any violations of the provisions of this Act, and failing to report same to proper authorities; or who takes or destroys any animal, bird, or fish, or bird's nest or egg, or eggs or spawn of fish, in violation of this Act or any refuge, sanctuary, rest ground or area established by order of the commission and contrary to such order; or who while hunting, trapping or fishing, willfully or without cause or reason destroys, injures or molests any livestock, growing crops, or other improvements; or who without permission of the owner or resident, shoots or attempts to shoot or otherwise take any game within one-eighth mile of any farm house or other residence or cabin, lodge, or building; or who takes any game bird, game fish or game animal, and willfully leaves such bird, animal or fish or any edible portion of same, to go to waste, or who uses more than once any shipping permit or coupon issued by the commission, is guilty of a misdemeanor.

In addition to other penalties prescribed by this Act, the game warden may revoke a license issued to any person under this Act and deny him the right to secure another license or to hunt, fish or trap anywhere in this state, with or without a license, for a period of from one to five years, if said licensee or person has either been convicted or has signed an acknowledgment of violating any provision of this Act or of any lawful rule or regulation of the commission, or if such licensee or person has been convicted in any court of having destroyed or carried away notices posted by the commission or personal property, or crops of any kind on or from the

premises on which he may have been hunting, fishing or trapping, or attempting to take any wild animals, birds or fish, or has been convicted of being careless in the use of firearms while hunting and hereby caused an injury to human life or livestock, or has been convicted of causing forest fires or being intoxicated while using firearms for the purpose of hunting. The license of any person convicted of a second or subsequent violation of this Act shall be revoked by the commission herein provided, and such person is hereby denied the right to secure a license or to hunt, fish or trap, anywhere in the this state, with or without a license, for a period of not less than two nor more than 10 years from the date of such conviction. To deny any person the right to secure a license or to hunt, fish, or trap anywhere in this state for any period, the commission shall send a written notice to that effect to such person at his last known address, either by registered mail or by having it delivered in person by a representative of the commission. The commission shall furnish in writing, to the officers or persons authorized to issue licenses the name and address of such person and the term for which he has been denied the right to secure a license, or to hunt, fish or trap in this state, together with any other information the commission may deem necessary.

Section 47: Repeal; Transfer of Present Funds: All laws in conflict or inconsistent with the provisions of this Act, including Chapter 30 of the Revised Code of 1928, are hereby repealed. All money and property now appropriated, set aside or available to the present state game and fish warden are appropriated, set aside and made available to the Arizona Game and Fish Commission by this Act created and the state treasurer shall transfer all such money to the state Game and Fish Protection Fund.

Section 48: Whereas, the preservation of the public peace, health and safety makes it necessary that the provisions of this Act shall become operative immediately, and emergency is hereby declared to exist, and this Act is therefore hereby exempt from the operation of the referendum provisions of the State Constitution, and shall take effect and be in full force and effect from and after its passage and its approval by the governor. *Approved March 18, 1929*

SECTION 3: 1929–39

With passage and ratification of the voter-approved game and fish laws January 22, 1929, authority for modifying the State Game and Fish code was transferred from the legislature to a three-man Arizona Game and Fish Commission. The commission's responsibilities included not only establishment of game and fish seasons and bag limits, but authority over the Arizona Game and Fish Department, thereby removing the department from the legislature's control.

Governor Hunt did not like commissions, and he resented the change in authority over state agencies so governed and their removal from his and the legislature's direct control, a position he made abundantly clear in his address to the Tenth Legislature when that body convened in 1931. Not only did he consider the commission form of government "impractical, unresponsive to public opinion, undemocratic, wasteful and inefficient," he disapproved of commissions making and enforcing laws that he considered the purview of the state Attorney General. Wanting department heads to be solely responsible to the governor, he recommended that the "State Game Commission" in particular be abolished as a dismal failure, and that the legislature take immediate action on his request to abolish all commissions.

Conservative when it came to wildlife protection, he considered the status of most species of wildlife to have declined since passage of the initiative two years previously. He appears to have especially resented the transfer of management authority over game and fish species from the legislature and public at large to an agency under the influence of the sportsmen who participated in the annual "carnage" then taking place on the Kaibab. Governor Hunt considered a recent ruling by the US Supreme Court giving habitat management control on the Kaibab to the US Forest Service wrong-headed, and he thought the state's cooperation with that agency a reprehensible failure to recognize the federal government's threat to the state's game and fish management authority.

This disagreement would play itself out in the legal arena during the years that followed, and would probably have been even more contentious had Governor Hunt not been defeated in the 1932 Democratic primary by Dr. Benjamin B. Moer.

NINTH LEGISLATURE, REGULAR SESSION, 1929 (Continued)

House Joint Memorial, No. 3: To the Senate and House of Representatives of the Congress of the United States of America, in Congress Assembled

This non-binding resolution, passed by both the House and Senate, urged the US Congress to rescind two previous presidential executive orders creating Papago-Saguaro National Monument between Phoenix and Tempe and cede these and adjacent federal lands to the state of Arizona. Once the monument was abolished and the lands transferred to the state, the resolution called for portions of the property to be used as a state park that would include an animal zoo and fish hatchery administered by the Arizona Game and Fish Department, which would also protect the park's cacti and other natural features. This same resolution also directed that the federal lands in sections 32 and 33 of the monument, including 160 acres north of the monument, be turned over to the Arizona National Guard as a rifle range and training area. The city of Tempe was also to be allowed to purchase portions of the monument for a public park and the Salt River Valley Water User's Association (now Salt River Project) would purchase a 100-foot right of way along its canal, as well as the lands the association used for operations and maintenance. The purchase price for the lands to be acquired by the association and city of Tempe was to be \$0.25 per acre. *Approved February 15, 1929.* (NOTE: This resolution was

subsequently passed by Congress.

TENTH LEGISLATURE, REGULAR SESSION, 1931

House Bill 128

An Act: Designating a State Bird; Designating a State Flower; Repealing All Laws or Parts of Laws in Conflict Herewith

This act established the cactus wren as the state bird of Arizona and the saguaro as the state flower. *Approved March 16, 1931*

House Bill 208: Relating to Game and Fish Preservation [partially quoted here]

As was the legislature's intent, the newly created Game and Fish Commission soon modified the original seasons, bag limits, and other provisions set forth in the 1929 initiative. Also as intended, these modifications would have the status of state law and would be published by the Fish and Game Commission and State Game Warden as game and fish laws.

In response to the governor's address to the legislature, House Bill 208 reiterated the commission's authority over management of the state's wildlife. In particular, the amendment to Section 4, Chapter 84, Session Laws of 1929 directed the three-man Arizona Game and Fish Commission to meet at the capitol within 30 days and to conduct at least one meeting annually with other meetings to be held at the call of the chairman or a majority of the commission to carry out such rules and regulations as deemed necessary.

Section 1 amended Section 4, Chapter 84, Session Laws, 1929, to read:

Section 4: General Powers and Duties of Commission: The commission shall have charge, control, and management of the propagation and distribution of wild birds, wild animals, and fish. It shall have the conduct and control of all hatching stations and game farms owned, operated, or hereafter acquired by the state, may issue permits and licenses to persons to operate game farms and fish hatcheries, regulate the same and revoke such permits or licenses for non-compliance with its orders. It shall have charge of the enforcement of all laws for the protection of wild birds, wild animals and fish. It shall have the exclusive power to expend for the protection, preservation, or propagation of game birds, game animals, and fish, all funds of the state acquired for the protection, preservation, or propagation of birds, animals, or fish, arising from appropriations, licenses, gifts, or other sources. It may in the name of the state, with the approval of the governor, acquire by purchase, gift, or condemnation, lands and water for the use as fish hatcheries or game farms, and areas suitable for game refuges, hunting ground, or for any other purpose necessary to carry out the provisions of this Act. It may purchase animals, birds, and fish and fish spawn or eggs for the purpose of stocking public lands and waters of the state, and sell fish fry and fingerlings to stock private waters, and may take at any time in any manner animals, birds' eggs, fish and eggs and milt of fish for propagation and restocking purposes, or for use at a state game farm or fish hatchery.

The commission may by order close, shorten, or alter the open season or bag limits prescribed by this Act for any species of game animal, game bird, or game fish whenever it has good reason to believe that such species of animal, bird, or fish is threatened by deletion or requires additional or other protection than that specifically afforded by the provisions of this Act; such order may be made to apply throughout the state, or to a particular part thereof, or to a particular stream or lake or part thereof. The commission may establish and open refuges and safe sanctuaries in which game, fur bearing animals, and birds may breed and replenish adjacent areas, and may designate certain areas as rest grounds, for migratory birds, in which hunting

shall be forbidden or restricted at such times as the commission may designate, endeavoring as possible to establish small refuges rather than large preserves, not to close large areas to hunting, nor to interfere unnecessarily with the hunting of migratory birds, but to provide havens in which they can rest and feed without molestation. The preceding sentence shall not apply to the Blue Range Game Preserve until two years after the effective date of this Act. The commission may remove or permit to be removed from public or private waters fish which hinder or prevent the propagation of game or food fish, and fish so taken may be disposed of in such manner as it may designate.

No person shall plant any game fish or other fish, fish fry, or spawn in any of the bodies of water in the state, nor introduce nor liberate any game birds or game animals, or any other wild animals, on the lands or in the coverts of the state without the written consent of the commission. The commission may enter into cooperative agreement with any federal department having jurisdiction over any federally controlled game refuges in Arizona, in carrying out such rules and regulations as may be established by such department for the protection and perpetuation of game animals thereon, or for the disposition of surplus game animals there from, and it shall be lawful to possess, or remove from the state any animals killed or captured in compliance with such agreement or regulation, when such animals are tagged or marked so as to establish their identity as animals taken on such federal land.”

Other sections of House Bill 208 further amended the Session Laws of 1929:

Section 5: Publication of Orders and Regulations of Commission; Signboards of Refuges: This amendment reaffirmed the commission’s power to promulgate and publish rules and regulations, and to sign areas closed to hunting, fishing, and trespass, as was the commission’s prerogative.

Section 23: License Fees: The changes to this section involved a change in the number of licenses offered to aliens and a special non-resident fishing and small game license for \$10. A resident was defined as a citizen of the United States who has resided in Arizona for one year immediately preceding application for license.

Section 25: Form and Contents of License; Shipping Coupons; Exhibiting License; Minors: In another bookkeeping amendment, the most notable change was a restriction only allowing resident minors less than 16 years of age to hunt without a license when accompanied by a licensed resident hunter or fisherman.

Section 31: Tree Squirrels: This amendment changed the open dates of the tree squirrel season from September 1–October 31 to October 16–November 15, thereby coinciding with the season for deer and wild turkey.

Section 34: Game Birds; Open Season; Limit: This amendment changed the bag limit on Gambel’s and scaled quail from 20 to 15, and wild turkeys may be taken from October 16–November 15; not more than two during one season by one person. Gambel’s and scaled quail could be taken from November 1 to December 31.

Section 46: Penalties: This amendment reduced the fine for using explosives and other stupefying substances for the taking of fish from a minimum of \$200 and a maximum of \$1,000 to a fine of \$100 to \$300, and set the minimum jail term at three months instead of six months to one year.” *Approved March 18, 1931 as an emergency measure to take effect immediately*

Appropriations Bill

Given the governor’s and legislature’s concerns over federal involvement in state matters, it is of some interest that the Tenth State Legislature appropriated \$15,000 for fiscal years 1931–

32 and \$15,000 for 1932–33 to the University of Arizona for the “Eradication of Injurious Rodents” in cooperation with the US Biological Survey.

| | For the 20 th Fiscal Year | For the 21 st Fiscal Year |
|--------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------|
| For Salaries and Wages, Operation, Travel, Capital Investment and Repairs and Replacements | \$ 15,000 | \$ 15,000 |
| Total Appropriation | \$ 15,000 | \$ 15,000 |

This appropriation was made subject to the condition that at least a like amount be allotted to this state by the federal government and expended concurrently with this appropriation.

A similar appropriation for “Predatory Animals” was made to the Livestock Sanitary Board for cooperation with the US Biological Survey.

| | For the 20 th Fiscal Year | For the 21 st Fiscal Year |
|--------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------|
| For Salaries and Wages, Operation, Travel, Capital Investment and Repairs and Replacements | \$ 15,000 | \$ 15,000 |
| Total Appropriation | \$ 15,000 | \$ 15,000 |

This appropriation was also made subject to the condition that at least a like amount be allotted to this state by the federal government and expended concurrently with this appropriation.

Indeed, the enthusiasm for predator and rodent control of the time is made clear in the following resolution. [quoted here in its entirety]

House Joint Memorial No. 9: To the Honorable Senate and House of Representatives of the United States of America, In Congress Assembled

The Tenth State Legislature of the State of Arizona, in regular session convened, requests consideration of the following:

WHEREAS, the natural wild life resources (including wild game, fur-bearing animals, insectivorous mammals and birds, and many other species of scientific, educational and recreational interest) of the state of and the Southwest are already recognized as constituting an important present and future asset, and

WHEREAS, there exist, in the State of Arizona and the Southwest, many problems of regulation of numbers of such species as flesh-eating animals predatory on livestock and game, and plant-eating rodents detrimental to farm, forage, and forest, and

WHEREAS, the proper management of wild life resources, whether neutral, harmful or beneficial, is intimately related to important problems in farming, stock raising, recreational development, forestry, soil conservation, and maintenance of watershed, and

WHEREAS, the proper management of these natural resources is absolutely dependent on a full and accurate knowledge of the lives and habits of wild life, which knowledge can only be provided by long-time studies by specialists possessing advanced training in biological sciences, and experience in practical field conditions, and who should be equipped with all needful laboratory space and scientific apparatus for the prosecution of their studies, and

WHEREAS, a considerable proportion of the surface area of the Southwestern states

(Arizona, 71 per cent, New Mexico, 38 per cent) is government land, carrying with it some federal responsibility for adequate conservation of its natural resources, and

WHEREAS, the state and private institutions of Arizona, including the University of Arizona, the Arizona Game and Fish Commission, the Boyce Thompson Southwestern Arboretum, Arizona Game Protective Association, Carnegie Institution of Washington, and especially the University of Arizona and the Arizona Game and Fish Commission, have already demonstrated in numerous concrete ways their cooperative attitude and aggressive interest in the building up of a proper scientific foundation for every particular phase of wild life management, but are obviously unable to finance the expanded investigations absolutely needful for proper development, therefore

Your Memorialist, the Tenth Legislature of the State of Arizona, in regular session assembled, urgently requests Congress to authorize and appropriate the sum of \$25,000 for the immediate establishment by the Biological Survey of the United States Department of Agriculture of a Southwestern Wild Life Experiment Station, at or near the University of Arizona, Tucson, Arizona, to undertake the necessary researches.

And your Memorialist will ever pray. *Passed the House February 5, 1931; Adopted by the Senate February 25, 1931; House concurred in Senate amendments February 26, 1931; Approved by the governor February 26, 1931*

The Tenth State Legislature also passed a number of other resolutions, some involving wildlife, such as House Joint Memorial No. 14 [quoted here in its entirety].

House Joint Memorial No. 14: To the Honorable Senate and House of Representatives of the United States of America, In Congress Assembled

The Tenth State Legislature of the State of Arizona, in regular session convened, requests consideration of the following:

WHEREAS, the buffalo herd located in House Rock Valley, Arizona, is the only state owned buffalo herd in the United States (purchased in 1927), and

WHEREAS, it is proposed to introduce a bill in Congress setting aside from the public lands of the United States approximately \$44,000 acres in what is known as the House Rock Valley of Arizona, for the purpose of establishing these-called House Rock Valley Game Refuge to maintain and conserve the herd of buffalo formerly owned by C. J. (Buffalo) Jones and sold by his successor Uncle Jimmie Owens to the State of Arizona for \$10,000; it being the desire of the state to fence and develop water on this tract of land and to increase this herd from the present number of 97 to 250 and to also put in this proposed preserve a band of antelope, up to 250 in number, and

WHEREAS, the following described area is the piece or parcel of land required for said game refuge; beginning at the corner of sections 7, 8, 17, and 18, T. 37N, R. 4 E., on the boundary of the Kaibab National Forest; thence easterly along the north boundaries of sections 17, 16, 15, 14, and 13 of said township and the north boundaries of sections 18, 17, 16, 15, and 14, T. 37 N., R. 5 E., to the north rim of North Canyon at a point approximately 20.20 chains west of the corner of Sections 11, 12, 13, and 14; thence northeasterly along the north rim of the North Canyon to the west rim of Marble Canyon of the Colorado River; thence southwesterly across the mouth of the North Canyon and along the west rim of said Marble Canyon to the north rim of the South Canyon, approximately in unsurveyed section 21, T. 36 N., R. 5 E.; thence northeasterly along the north rim of South Canyon to the line between sections 18 and 19, approximately 12.89 chains west of the corner of sections 17, 18, 19, and 20, T. 36 n., R. 5 E.; thence westerly along the south boundary of sections 18, T. 36 N., R. 5 E.; thence, following the

boundary of the Kaibab National Forest, westerly along the south boundaries of sections 13, 14, 15, 16, and E. ½ section 17, to the quarter-section corner of sections 17 and 20, T. 36 N., R. 4 E.; thence northerly along the north and south center lines of sections 17, 8, and 5, to the point for the quarter-section corner on the north boundary of sections 5, T. 36 N., R. 4 E.; thence westerly along the ninth standard parallel north to the corner of sections 31 and 32, T. 37 N., R. 4 E.; thence northerly along the west boundaries of sections 32, 29, 20, and 17, to the corner of sections 7, 8, 17, and 18, T. 36 N., R. 4 E., and the place of beginning, containing approximately 44,000 acres, and

WHEREAS, the Tenth State Legislature of the State of Arizona heartily approves this project and prays Congress that this proposed refuge be established under the management and control of the State of Arizona as a free gift from the United States Government for this purpose. *Passed the Senate March 5, 1931; Passed the House February 27, 1931; Approved by the governor March 6, 1931*

These lands, which were to constitute the House Rock Buffalo Ranch, were never transferred to the state by Congress, but were instead replaced by lands leased to the Arizona Game and Fish Department by the Kaibab National Forest.

Note: There was no wildlife legislation in the special session that followed the regular session.

ELEVENTH LEGISLATURE, REGULAR SESSION, 1933

Chapter 3 (House Bill 49)

An Act: Relating to the State Flower

This act established “the pure white waxy flower of the *Cereus giganteus* (Giant Cactus) or Saguaro” as the state flower of Arizona. *Approved January 23, 1933*

Chapter 93 (House Bill 204)

An Act: Relating to Fish and Game Preservation and Amending Sections 4 and 5, Chapter 97, Session Laws of 1931; Sections 1, 13, 14, 29 and 36, Chapter 84, Session Laws of 1929; Sections 23, 25 and 31, Chapter 97, Session Laws of 1931

Section 1 amended the definitions section of Chapter 84, Session Laws of 1929. The changes were mostly of a housekeeping nature: inserting commas, correcting the spelling of “antelope,” etc. Other changes were to define tree squirrels and rabbits as game and to add the ocelot to the list of predatory animals, an insertion no doubt resulting from a US Predator and Rodent Control trapper’s taking one of these animals during fiscal year 1931–32 (Brown and López 2001).

Section 2 amended Section 4, Chapter 97, Session Laws, 1931 to read:

Section 4: General Powers and Duties of Commission: Again, the changes in this section were largely of an editorial nature, including some new wording clarifying the commission’s authority to manage and supervise the taking of wildlife on federal lands. A new paragraph also allowed the commission to remove excess or nuisance animals.

Section 3 amended Section 5, Chapter 97, Session Laws, 1931 to read:

Section 5: Publication of Orders and Regulations of Commission; Signboards of Refuges; Posted Lands: This section was strengthened by a provision prohibiting firearms in refuges and expanded by regulating how landowners should post their property. One-foot-square signs were deemed sufficient for posting both refuges and private holdings, provided that they be

at least at quarter-mile intervals. State lands under lease may not be posted except by consent of the commission.

Section 4 amended Section 13, Chapter 84, Session Laws of 1929 to read:

Section 13: Manner of Taking Small Game Animals, Birds and Fish: This amendment clarified the requirement that small game could not be taken with a shotgun larger than 12-gauge and eliminated the commission's ability to let "any person shoot any firearm upon, from or across any public highway or railway."

Section 5 amended Section 14, Chapter 84, Session Laws of 1929 to read:

Section 14: Silencer on Firearms Prohibited; Single Charge; Rifles of Certain Caliber Prohibited; Confiscation: This amendment prohibited firearms having a ball or bullet weight of less than 87 grains from being used for the taking of most big game species.

Section 6 amended Section 23, Chapter 97, Session Laws of 1931 to read:

Section 23: License Fees: This amendment reduced the nonresident general hunting and fishing license from \$35 to \$25, allowed for a special nonresident fishing license, and provided that "a complimentary license may be issued by the commission to a pioneer 70 years of age or older who has been a resident of this state for 25 or more consecutive years."

Section 7 amended Section 25, Chapter 97, Session Laws of 1931, to read:

Section 25: Form and Contents of License; Shipping Coupons; Exhibiting License; Minors: The only change provided in this amendment was to change the word "resident" to "residents" when referring to minors under the age of 16 being allowed to take birds, animals, or fish when accompanied by a person holding a valid license.

Section 8 amended Section 29, Chapter 84, Session Laws of 1931 to read as follows:

Section 29: Wild Deer; Bear; Bag Limit: This amendment removed the peccary or javelina from the list of animals that could be taken during the October 16–November 15 season and limited the taking of bears to "grown" bears, and "no bear cubs shall be taken at any time."

Section 9 amended Section 31, Chapter 97, Session Laws of 1931 to read as follows:

Section 31: Tree Squirrels; Rabbits: This amendment included cottontail rabbits as a game species, for which the taking of required a license, with the season and bag limit to be set by the commission (none was).

Section 10 amended Section 36, Chapter 84, Session Laws of 1931 to read as follows:

Section 36: Fish; Taking Season; Limit: This amendment reduced the bag limit on trout of all kinds from 25 to 20 or from 25 pounds to 15 pounds.

Chapter 99 (Senate Bill 47)

An Act: Relating to the Protection of Native Arizona Plants and Amending Chapter 8 Session Laws 1929 [quoted here in its entirety]

Section 1 amended Section 1, Chapter 8, Session Laws of 1929 to read:

Section 1: The following plants shall constitute the protected group, and the botanical names shall govern in all cases: 1. All species of the following families: polypodiaceae (fern family), lilaceae (lily family), iridaceae (iris family), amaryllidaceae (amaryllis family), orchidaceae (orchid family), crassulaceae (orpine family), saxifragaceae (saxifrage family), cactaceae (cactus family). 2. All species of the following genera: aquilegia (Columbine), lobelia (lobelia), dodecatheon (shooting star), primula (primrose), fouquieria (ocotillo), washingtonia (fan palm). 3. The following species: *Gilia aggregata* (scarlet gilia), *Atriplex hymenelytra* (desert holly), *Cercis occidentalis* (western redbud), *Parosela spinosa* (smoke tree), *Holacantha emoryi* (crucifixion thorn), *Fremontia californica* (flannel bush). All plants growing within two hundred yards of any highway.

Section 2: (a) Except as in this Act provided, no person shall destroy, mutilate, or remove or employ any person to destroy, mutilate, or remove, any living plant, except seeds, of the protected group from any public, state, or private land without first obtaining a written permit from the owner and the approval upon the said permit of the Arizona commission of agriculture and horticulture and filing a verified copy thereof with the county recorder of the county wherein said plants grow.

(b) The Arizona commission of agriculture and horticulture may permit, in writing, a person to take a definite number of specified plants in the protected group, from areas specified by the commission, for scientific or educational purposes.

(c) No permit as provided by subsections (a) and (b) shall be issued for more than one shipment of plants nor good for more than 30 days.

(d) Nothing herein shall be construed to prevent the clearing, cleaning, or removal of plants from any canal, lateral ditch, survey line or public road or highway, when necessary to the full and proper use thereof, or land being cleared for homes or for agricultural purposes by the owners of said land; nor to prohibit the use of dead cacti for business purposes.

Section 3: The Arizona commission of agriculture and horticulture shall collect a fee of \$5 for each permit issued, except permits for scientific and educational purposes.

Section 4: No person or common carrier shall transport any plant, or any part thereof, belonging to the protected group, nor receive or possess the same for transportation within or without the state, unless the person offering the same for shipment exhibits to the person or the common carrier a valid, written permit for the taking of said plant or part thereof, and has securely attached thereto a valid shipping permit issued by the commission, or a coupon detached from such permit, and if the transport without the state, must also bear a certificate of inspection by the commission of agriculture and horticulture.

Section 5: The Arizona commission of agriculture and horticulture is empowered to issue permits for the transportation of plants belonging to the protected group, to points within or without the state, and to make all necessary rules and regulations, not in conflict with this Act, for the enforcement of the provisions thereof.

Section 6: Any peace officer or any officer or employee of the Arizona commission of agriculture and horticulture shall have power, in the enforcement of this Act, to make arrest without warrant for any violation of this law which he may witness, and to confiscate any plants or parts thereof belonging to the protected group, unlawfully cut or removed.

Section 7: The board of supervisors of each county is authorized to adopt and enforce ordinances, not in conflict with law, for the preservation of plants.

Section 8: Any person violating the provisions hereof shall be guilty of a misdemeanor and fined not more than \$300, and each violation shall constitute a separate offense.

Section 9: If any section or part of this Act shall be declared unconstitutional, the validity of the remainder of the Act, if susceptible of enforcement, shall not be affected thereby. The legislature declares it would have passed said Act, irrespective of the section or part held to be void. *Approved March 21, 1933*

In addition to placing the protection of certain plant species under the auspices of the Arizona Agriculture and Horticulture Commission, this act sought to protect the state's cacti, some of its most spectacular wildflowers, and several plant species of limited distribution (such as native fan palms) from indiscriminate collecting and commerce. With cholla-wood novelties in vogue as curios, dead cacti were specifically exempted from protection.

House Joint Memorial No. 8: On the Transfer of the Remaining Public Lands of the State of Arizona, to the Senate and House of Representatives of the Congress of the United States of America: Your Memorialist, the Eleventh Legislature of the State of Arizona, in Regular Session Assembled, Respectfully Represents

“That of the 72,000,000 acres of land within the state of Arizona more than 65 percent is controlled by the Federal Government and 10 percent is owned by the state. Thus there now remains only 25 percent of the area of the state to carry the burden of taxation ...”.

This memorial, passed and approved March 9, 1933, was the first of several resolutions complaining about the high number of acres of federal land within the state’s boundaries, and requesting Congress to bequeath to the state of Arizona without charge those federal lands not already withdrawn as national forests, Indian reservations, or national parks or monuments. The cause for requesting such a transfer, initially made in reaction to the national-forest withdrawals, had recently been augmented by the transfer of additional federal lands (and their “state school sections”) to the Colorado River and Papago Indian reservations through executive order. The state’s plea went unheeded, however, and more withdrawals occurred, even before the creation of Organ Pipe Cactus National Monument in 1937 and the Kofa and Cabeza Prieta national game ranges in 1939. Hence, the following resolution [quoted here in its entirety]:

House Resolution No. 3: Protesting the Extension of Certain Federal Reserved Areas Within Arizona: Your Memorialist, the House of Representatives of the Eleventh Legislature of the State of Arizona in Regular Session Convened Respectfully Represents

WHEREAS, the Supreme Court of the United States has decided that the Colorado River is a navigable stream and that the Hoover Dam is being constructed for the purpose of improving navigation and,

WHEREAS, the reservoir to be created by the dam will extend up stream within the state of Arizona 115 miles permitting the development of commerce between a heretofore inaccessible mineral district and railroad shipping points, and

WHEREAS, the creation of this reservoir will provide the opportunity to develop fishing and,

WHEREAS, the people of Arizona, in which is located more of the river affected by the creation of the Hoover Dam than all the other states combined, desire that no more federal restrictions be imposed upon commerce and fishing on the Colorado than on other navigable streams in the United States, and

WHEREAS, the creation of a national park of the area surrounding this reservoir would enable federal officials to prevent the development of commerce and fishing unless those applying for licenses would comply with the provisions of the Santa Fe compact that are obnoxious to the state of Arizona, and with the rules and regulations of the National park Service, now therefore be it

RESOLVED that we do hereby protest the creation of any federal park within Arizona in the vicinity of the Hoover reservoir, and be it further

RESOLVED that we request our members of Congress to oppose any further extensions of federal reserved areas within Arizona unless the same shall be submitted to and approved by the Arizona State Legislature. *Adopted by the House March 3, 1933 and received by the Secretary of State this 4th day of March, 1933*

This resolution, which was not adopted by the state Senate, also came to naught, with the withdrawal of Lake Mead National Recreation Area.

TWELFTH LEGISLATURE, REGULAR SESSION, 1935

Chapter 56 (House Bill 111) [quoted here in part]

An Act: Providing for the Payment of Certain Claims Which Were Not Presented to be Allowed by the Auditor Within One Year After They Accrued

Section 1: When properly approved by the Arizona Game and Fish Commission, the auditor shall audit, allow and draw his warrants as provided by law in payment of the following listed claims, regardless of the fact that said claims accrued more than one year prior to presentation thereof, and the treasurer shall pay said warrants out of the funds heretofore appropriated for the use of said Fish and Game Commission.

The section goes on to list 58 claims or bills from vendors ranging from gasoline stations to suppliers of fish eggs, totaling \$2,458.37. Why these claims were not paid when issued is not known, but may reflect an ongoing dispute between the commission and legislature as to how state monies are appropriated. The continued use of the term “Fish and Game Commission” by the legislature is of interest.

Section 2: This Act shall be construed as a Special Act, applying only to the above listed claims.

Section 3: To preserve the public peace, health, and safety, it is necessary that this Act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law. *Approved March 20, 1935*

Chapter 44 (House Bill 39)

An Act: Relating to Game and Fish; Providing for Their Preservation, and Amending Sections 12, 15, 19, 23, 24 and 25, Chapter 84, Session Laws 1929

Section 1 of Chapter 44 amended Section 12, Chapter 84, Session Laws of 1929 by increasing the number of days that a party could have game or fish at a public eating place for the consumption of him and his guests from 10 days to 20.

Section 2 amended Section 15, Chapter 84, Session Laws of 1929 to read:

Section 15: Indians Prohibited From Hunting or Fishing: It shall be unlawful for any Indian, who is a ward of the federal government, to take any game or fish in this state when off the government reservation to which he has been assigned, and no license shall be sold to any such Indian.

This amendment presumably applied to Indians who were not Arizona citizens.

Section 3 amended Section 19, Chapter 84, Session Laws of 1929 to read:

Section 19: Possession of Game Animals, Birds and Fish: This amendment extended the number of days that game and fish could be possessed from 10 to 20 after the close of the season.

Section 4 amended Section 23, Chapter 84, Session Laws of 1929, as amended by Section 3, Chapter 97, Session Laws 1931, and Section 6, Chapter 93, Session Laws 1933, to read:

Section 23: License Fees: This amendment again changed the license classes, fees, and requirements to hunt and fish in Arizona. The most notable changes were those reducing the cost of a Class A resident general hunting and fishing license from \$3 to \$2.50 and providing for a Class B resident general hunting license for \$1.25. In addition to redefining other license classes, the amendment reduced the cost of a non-resident hunting and fishing license from \$35 to \$25, raised the price of a non-resident short-term fishing license from \$2.50 to \$3, and defined anyone who was ineligible to purchase a resident license, and did so, as committing an act of fraud and

guilty of hunting or fishing without a license.

Section 5 amended Section 24, Chapter 84, Session Laws 1929, to read:

Section 24: Disposition of Fees: This amendment reduced the percentage of license fees retained by the seller or dealer from ten percent to 5 percent.

Section 6 amended Section 25, Chapter 84, Session Laws 1929, as amended by Section 4, Session Laws 1931, and Section 7, Chapter 93, Session Laws 1933, to read:

Section 25: Form and Contents of License; Shipping Coupons; Exhibiting License; Minors: This section was reworded for clarity and amended to limit the number of resident minors under the age of 16 taking fish or small game to two when in the company of a valid license holder. All hunters of big game animals were required to have a license, and as in previous sections, those hunters who killed a deer or turkey were required to immediately report their success to the State Game Warden.” *Approved March 19, 1935*

Chapter 66 (House Bill No. 110)

An Act: To Amend Section 2, Chapter 8, Session Laws of 1929 as Heretofore Amended by Chapter 99, Session Laws of 1933, so as to Permit the Removal of Leaves of Yucca Plants for Obtaining Fibre for Commercial Purposes

Section 1 amended Section 2 of Chapter 8, Session Laws of 1929, as amended by Chapter 99, Session Laws of 1933. This amendment provided for the harvesting of the leaves of *Yucca baccata* and/or *Yucca elata* for commercial purposes, provided that a written permit to do so in identified areas had been obtained from the Arizona Agriculture and Horticulture Commission within 30 days of such action.

Subdivision 13, Arizona Game and Fish Commission, in the 1935 Appropriations Bill:

“The amount of all fees and receipts from whatever source, received by the Arizona Game and Fish Commission during each of said fiscal years (1935 and 1936), when paid into the state treasury, is hereby appropriated for the payment of salaries and wages, operation, travel, capital investment and repairs and replacements.”

It thus appears that the State Treasurer would hold the money raised by license fees and other sources for the Game and Fish Fund and disperse these funds accordingly. It is also interesting that Subdivision 30 (Rodent Control), and Subdivision 46 (Predatory Animals) of the Appropriations Bill appropriated \$10,500 and \$10,000 respectively for each of the next two fiscal years, provided that a like amount be allocated to the state by the federal government and expended concurrently with this appropriation. These monies would be paid to the US Biological Survey’s Predator and Rodent Control branch.

THIRTEENTH LEGISLATURE, REGULAR SESSION, 1937

Chapter 24 (House Bill No. 168) [quoted here in its entirety]

An Act: Authorizing the United States Commissioner of Fisheries and His Duly Authorized Agents the Right to Conduct Fish Hatching and Fish Culture and all Operations Connected Therewith

Section 1: Fish Hatching and Culture: Provided that the United States Commissioner of Fisheries and duly authorized agents be granted the right to conduct fish hatching and fish culture and all operations connected therewith in any manner and at any time that may, by the commissioner, be considered necessary and proper, any laws of the state to the contrary notwithstanding.

Provided that nothing in this Act shall be construed as permitting or granting to the commissioner of fisheries or his duly authorized agents any jurisdiction over or interference with the established activities or facilities of the state game and fish department.

Provided, further, that nothing in this Act shall be construed as contravening any of the laws of this state relating to public health or water rights.

Section 2: Emergency: To preserve the public peace, health, and safety it is necessary that this Act shall become immediately operative. It is therefore declared to be an emergency measure and shall take effect upon its passage in the manner provided by law. *Approved March 3, 1937*

By this act, the legislature approved the construction of federal hatcheries and hatchery programs to supply fish for Arizona waters, not only on the Colorado River and its reservoirs, but on and adjacent to Indian reservations and other sites under federal jurisdiction.

Subdivision 58, Arizona Game and Fish Commission, in the 1937 Appropriations Bill:

“The amount of 90 percent of all fees and receipts from whatever source received by the Arizona Game and Fish Commission, during each of said fiscal years (1937 and 1938), when paid into the state treasury, is hereby appropriated for the payment of salaries and wages; operation; travel; capital investment; and repairs and replacements. The amount of 10 per cent of all such fees and receipts shall be retained by the state treasurer and credited to the general fund.”

This appropriation and its caveat reflect the continuing concerns of the commission and legislature as to which body should manage the state Game and Fish Fund. As in earlier appropriation bills, \$10,000 per annum is allocated for fiscal years 1937 and 1938 to the Predatory and Rodent Control branch of the US Biological Survey for the control of predatory animals. Other monies were also appropriated for this purpose from state grazing land receipts, but no mention is made of monies appropriated for rodent control.

House Memorial No. 1 [quoted here in its entirety]: To the Secretary of the Interior and the Chief of the Bureau of Biological Survey of the United States of America: Your Memorialist Respectfully Represents

The total area of land within the state of Arizona is 72,838,400 acres. Of this area Indian reservations occupy 19,566,339 acres, national forests 11,203,438 acres, national parks and monuments 671,610 acres, military reservations 73,008 acres. The public domain consists of something less than 13,000,000 acres. Two-thirds of the state's area is controlled by federal bureaus; less than one-fourth is subject to taxation.

It is understood that the bureau of biological survey has requested the Department of the Interior to have withdrawn from entry two large bodies of land in the southwestern portion of the state, totally approximately 3,400,000 acres, for the use and protection of mountain sheep and goats, and as game refuges (the areas presently occupied by the Cabeza Prieta and Kofa game refuges).

A large portion of the area which it is proposed to have placed in these two game refuges is grazing land and being used by local stockmen, while other portions thereof will soon be irrigated by water from the Colorado River, under the Gila project.

These proposed withdrawals, if made, will work undue hardships on the users of said lands, especially those persons engaged in the livestock business, which is one of the biggest industries of the state, and will also greatly retard the development of the state and in a large measure prevent these lands from being developed and improved and placed upon the tax rolls.

It is overwhelmingly the public sentiment of the people of Arizona that these proposed game refuges be not established.

Wherefore your memorialist, the House of Representatives of the state of Arizona, urgently requests:

That the proposed withdrawal of public lands in Southwestern Arizona, for the purpose above stated, be not made.

This Memorial passed the House by a vote of 48 ayes, 1 absent, and two excused. These withdrawals were therefore not popular with the representatives of most of the Arizona electorate despite the refuges being supported by the Boy Scouts of America and other conservation minded organizations.

Three special sessions followed the regular session in 1937, and another in 1938. None of these involved legislation directly affecting Arizona's wildlife, however.

FOURTEENTH LEGISLATURE, REGULAR SESSION, 1939

Chapter 3 (Senate Bill No. 48) [quoted here in part]

An Act: Relating to Visitor's Special Fishing License and Declaring an Emergency

Section 1: Visitors' Special Fishing License: In addition to the classes of fishing licenses now provided for by law, there shall be a "visitor's special fishing license." Such license shall be issued only to non-residents of the state of Arizona and shall only entitle the holder thereof to fish in and upon waters which constitute the state boundary line of the state of Arizona. Such license shall be valid for a period of 15 days only from the date of its issuance. The fee for such license shall be \$1. *Approved (emergency) January 27, 1939*

This license was specially designed to enable non-residents to fish along the Colorado River and the waters of Lake Mead forming behind Hoover Dam.

Chapter 51 (House Bill No. 119) [quoted here in its entirety]

An Act: Relating to Wild Life, Empowering the Arizona Game and Fish Commission to Cooperate With the Secretary of Agriculture in the Establishment, Maintenance, and Completion of Wildlife Restoration Projects, and Declaring an Emergency:

Section 1: Definitions: In this Act, unless the context otherwise requires: "commission" means the Arizona Game and Fish Commission; "secretary" means the Secretary of Agriculture of the United States; "Wildlife-Restoration Act of Congress" means Chapter 899, First Session, Seventy-fifth Congress, approved September 2, 1937, commonly known as the "Pittman-Robertson Federal Aid in Wildlife-Restoration Act," and includes the rules and regulations issued by the secretary pursuant thereto; "wildlife restoration project" or "project" means a project for the selection, restoration, rehabilitation, or improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife other than fish, and includes acquisition by purchase, condemnation, lease, or gift of such property or interests therefor and the construction of such works as may be necessary for such purposes, such research into problems of wildlife management as may be necessary to efficient administration of wildlife resources, and such preliminary or incidental expenses as may be incurred in and about such project.

Section 2: Acceptance of Act: This state accepts the benefits extended by the Wildlife-Restoration Act of Congress, and agrees to comply with the provisions thereof and the rules and regulations issued by the Secretary of Agriculture of the United States pursuant thereto, in any year in which benefits are apportioned and paid to the state thereunder. The Arizona Game and Fish Commission shall be the agency of the state for the purposes of this Act.

Section 3: Wildlife-Restoration Projects: The commission shall have power to cooperate and enter into agreements with the secretary for the establishment, maintenance, and completion of wildlife-restoration projects, pursuant to the Wildlife-Restoration Act of Congress. In the initiation and carrying on of the work of any project, the commission shall comply with the provisions of said Act. Every project initiated under the provisions of this Act shall be under the supervision of the commission.

Section 4: Acquisition of Lands: The commission, in the name of the state and with the approval of the governor, shall have power to acquire, by purchase, lease, or gift, either for cash or upon installments, such lands or other property, or interests therein, as may be necessary for the purpose of carrying on any wildlife-restoration project pursuant to an agreement entered into between the commission and the secretary.

Section 5: License Fees: All moneys received from hunting licenses shall be deposited in the state Game and Fish Protection Fund, and no part thereof shall be diverted or appropriated for any purpose other than the uses of the commission.

Section 6: Financial Provisions: (a) In the event the commission desires to avail itself of moneys apportioned to this state for any fiscal year pursuant to the Wildlife-Restoration Act of Congress, it shall notify the secretary to that effect, not later than 60 days after receipt of certification by the secretary of the estimated amount, to be apportioned to this state for such year.

(b) Upon receipt of final certification by the secretary of the amount apportioned to this state for any fiscal year pursuant to the Wildlife-Restoration Act of Congress, the state treasurer shall transfer this state's one-third share of the amount so apportioned from any moneys appropriated by the state for the specific purpose of carrying out the provisions of this Act to the wildlife-restoration account in the state Game and Fish Protection Fund. Moneys received from the federal Aid to Wildlife-Restoration Fund of the United States established and maintained pursuant to the Wildlife-Restoration Act of Congress, shall be deposited in said wildlife-restoration account. Claims against said account shall be made and paid in the manner provided by law for payment of claims against the state Game and Fish Protection Fund.

(c) Moneys in the wildlife-restoration account of the state Game and Fish Protection Fund shall be expended solely for work allowable under the provisions of the Wildlife-Restoration Act of Congress, and for which the secretary agrees to contribute 75 percent of the cost from the federal aid to wildlife-restoration fund. In carrying on the preliminary work required to secure the approval of any wildlife-restoration project by the secretary, or in carrying on the work of any approved project prior to the time moneys have been received therefor from the federal aid to wildlife-restoration fund, the commission shall have power to expend moneys in the state game and fish protection fund, to the extent necessary to secure such approval or to carry on the work of such approved project. Thereafter, upon receipt of moneys from the federal aid or wildlife-restoration fund for expenditure on such project, the commission shall promptly cause the state Game and Fish Protection fund to be reimbursed for the amounts so expended, from this state's moneys in the wildlife-restoration account, to the extent of not more than one-third of the amount received from the United States to be expended on such project.

(d) Any moneys appropriated by the state and remaining in the wildlife-restoration account of the state Game and Fish Protection Fund at the end of the fiscal year following the fiscal year in which said moneys were credited thereto by the state treasurer, and which have not theretofore been pledged for the use of any wildlife-restoration project pursuant to an agreement entered into between the commission and the secretary, shall revert to the general fund.

Section 7: Appropriation: An amount equal to one-third of the amount apportioned to this state for the 27th fiscal year, namely \$6,203.89 and for the 28th and 29th fiscal year, not to exceed \$20,000 per year, is appropriated to the Arizona Game and Fish Commission for the purpose of this Act.” *Approved as an emergency measure March 10, 1939*

This important piece of legislation allowed Arizona to participate in the Pittman-Robertson Act, by which every dollar so appropriated would be matched by \$3 of federal money, provided that the money was spent on approved projects relating to game management, research, or wildlife habitat acquisition. Also of importance was the fact that the results of game management and other wildlife management measures would now be reported on in a retrievable database.

Chapter 56 (House Bill No 56)

An Act: Relating to Game and Fish Preservation and Amending Section 40, Chapter 84, Session Laws of 1929, Regular Session

Section 1 of Chapter 56 amended Section 40, Chapter 84, Session Laws 1929: Permit to Capture or Destroy Animals Injurious to Property for Scientific or Breeding Purposes:

This amendment removed the clause, “but no permit shall authorize the collection, possession, purchase or sale of migratory birds, other than migratory waterfowl for propagation purposes,” thereby recognizing the federal authority over such traffic. This prevented the state’s prohibiting someone from trafficking in migratory birds who had a federal permit.

Subdivision 54 of the Appropriations Bill:

The legislature directed, “The amount of all fees and receipts from whatever source received by the Arizona Game and Fish Commission, during each of said fiscal years (1939 and 1940), when paid into the state treasury, is hereby appropriated for the payment of salaries and wages; operation; travel; capital investment; and repairs and replacements,” without any percentage being held by the State Treasurer. *Approved March 13, 1939*

House Concurrent Memorial No. 1: A Concurrent Memorial Relating to the Proposed Petrified Forest National Park

The legislature recognized the values of “The Petrified Forest” and its inclusion as a national monument in 1906 and expansion in 1932. Recognizing these values, and the amount of visitors generated by this classification, the legislature recommended a committee study the desirability and ramifications of upgrading the monument to national park status.

House Memorial No. 2 [quoted here in its entirety]: A Memorial Relating to the Federal Appropriation for Predatory Animal and Rodent Control: Your Memorialist Respectfully Represents

Under the Act of Congress approved March 2, 1931 (Public No. 776), the Secretary of Agriculture was authorized and directed to carry out a cooperative program, in conjunction with the states, for the eradication, suppression, or bringing under control of predatory wild animals and rodents injurious to agriculture, horticulture, forestry, animal husbandry, wild game, and other interests, and the Congress was authorized to appropriate \$1,000,000 per annum for such purposes.

This program is especially important to the state of Arizona, which has a number of industries affected by it. The livestock industry, occupying many mountainous and forest areas, suffers immense losses through the depredations of wild animals. Its lower ranges are subject to the ravages of prairie dogs and gophers. The farming and orchard areas of the state are likewise subject to injury from rodent infestations, and great losses are annually sustained by reason thereof.

Under the authorization above referred to, Congress has appropriated heretofore from \$480,000 to \$600,000. The Secretary of Agriculture, deeming this sum insufficient, has requested the appropriation of the full sum of \$1,000,000.

From the point of view of this state, and for the best interest of the livestock and agricultural industries, the appropriation of the maximum amount authorized by the Act of Congress of March 2, 1931, and its judicious use in the eradication, suppression or bringing under control of predatory wild animals and rodents is amply justified.

Wherefore your memorialist, the House of Representatives of the State of Arizona, urgently request:

That in compliance with the recommendation of the Secretary of Agriculture the Congress appropriates the sum of \$1,000,000 annually for predatory animal and rodent control.

Adopted by the House, February 9, 1939

Note: From 1939 on, all laws and regulations passed by the Arizona Game and Fish Commission and/or the legislature are codified under Section 57.

SECTION 4: 1941–51

FIFTEENTH LEGISLATURE, REGULAR SESSION, 1941

Chapter 37 (Senate Bill 54)

An Act: Relating to Wildlife-Restoration Projects; Amending Section 57-301, Arizona Code of 1939, and Amending Article 3, Chapter 57, Arizona Code of 1939, by Adding Section 57-307, and Making a Continuing Appropriation Therefor

This amendment and addition to the act authorizing the Arizona Game and Fish Commission to participate in the Wildlife-Restoration (Pittman-Robertson) Act allowed the commission to deal with any officer or agency of the United States assigned to administer the Wildlife-Restoration Act (creating the position of Federal-Aid coordinator), further clarified allowable projects, and authorized a continued appropriation by the commission of one-third of a federal aid to wildlife-restoration budget not to exceed \$22,000 per year. *Approved March 14, 1941*

Appropriations Bill, 1941 and 1942

The legislature provided for the continued appropriation of \$10,000 per year for predatory animal control and \$10,000 per year for rodent control, with the caveat that the federal government contribute a like amount. This same bill also allocated the amount of all fees and receipts from whatever source received by the Arizona Game and Fish Commission to remain with the commission without any payment to the State Treasurer.

FIFTEENTH LEGISLATURE, FIRST SPECIAL SESSION, 1942

Chapter 5 (House Bill 40) [quoted here in its entirety]

An Act: Making an Appropriation to the Arizona Commission of Agriculture and Horticulture for the Suppression of an Infestation of Grasshoppers, and Declaring an Emergency

Section 1: Appropriation: The sum of \$30,000 is appropriated to the Arizona commission of agriculture and horticulture.

Section 2: Purpose: The purpose of this appropriation is to eradicate an infestation of grasshoppers within the state of Arizona.

Section 3: Contingency: The appropriation made in Section 1 is contingent upon the furnishing by the United States or an agency thereof, of a sufficient amount of poison material for use in carrying out the purpose of this act.

Section 4: Emergency: To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law. *Approved by the governor, April 21, 1942*

This act is of interest in that 1941 was an exceptionally wet year after a long period of low to moderate winter rainfall, and that this is the first time an appropriation was made to combat an “infestation” of invertebrates.

FIFTEENTH LEGISLATURE, FIRST SPECIAL SESSION, 1942

Chapter 24 (House Bill 53)

An Act: Relating to Visitors and Soldiers Hunting and Fishing Licenses and Amending Section 57-123, Arizona Code of 1939, by Adding Section 57-123a, and Declaring an

Emergency

Section 57-123a: Soldiers Hunting and Fishing License: In addition to the classes of hunting and fishing licenses now provided for by law there shall be a soldiers special hunting and fishing license. Such license shall be issued only to soldiers on active duty with the United States Army and stationed in the State of Arizona, and shall only entitle the holder thereof to in season and subject to the bag limits take small game and fish in the state of Arizona. Such license shall be valid for the same period as other licenses and the fee for such license shall be \$3.50, provided, however, that this form of license shall be terminated and this section inoperative when a state of war no longer exists between the United States and any foreign nation.” *Approved by the governor as an emergency measure, May 1, 1942*

House Concurrent Memorial No. 3 [quoted here in its entirety]: A Concurrent Memorial Relating to the Pittman-Robertson Fund for Wildlife Restoration: To the Congress of the United States: Your Memorialist Respectfully Represents

Under the terms of the Pittman-Robertson Act the revenue derived from the imposition of an excise tax on arms and ammunition is dedicated to the restoration of wild-life and the conservation of wild-life resources, and expended in the states on the basis of \$3 from the Pittman-Robertson fund to \$1 supplied by the state.

During the life of the Pittman-Robertson law there has accumulated, over and above allocations to the cooperating states, a balance of some \$7,000,000 which is available for no other purpose.

For cooperation with the states in carrying out programs for the restoration of wild-life and the conservation of wild-life resources, such as the prevention of soil erosion, the reseeded of depleted grassland, and other measures designed to protect and sustain wild-life, the current allocations amount to approximately \$2,750,000.

For the ensuing fiscal year, however, the Bureau of the Budget of the United States has recommended a reduced appropriation of \$2,250,000, and the Committee on Appropriation of the Congress of the United States has recommended a further reduction to \$1,250,000.

This greatly reduced allocation, coming at a time when the wild-life restoration programs of the states are reaching the stage of full development and becoming productive of highly important results, will seriously hamper such programs, result in the loss of time and effort, and retard the restoration of wild-life, and will do so at no saving to the taxpayers, inasmuch as the Pittman-Robertson funds are available for no other purpose.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, urgently requests:

That at least the sum recommended by the Bureau of the Budget be restored the pending appropriation for allocation to the states in support of their programs for wild-life restoration under the terms of the Pittman-Robertson act. *Approved by the governor, April 21, 1942*

SIXTEENTH LEGISLATURE, REGULAR SESSION, 1943

It being wartime, no wildlife legislation was passed by the Sixteenth Legislature. Given the near-total relaxation on grazing restrictions that had attended World War I, **Senate Memorial No. 3 [quoted here in its entirety]: A Memorial Requesting the Coordination of Regulations Affecting the Production and Availability of Beef**, and adopted during the Second Special Session, is of interest in that it recognizes the overgrazing problem and seeks to remedy an overabundance of range cattle.

Your Memorialist Respectfully Represents:

The United States government, through its several agencies charged with the direction and management of phases of the war effort, has consistently and repeatedly appealed to the nation's producers to redouble their efforts in the production of essential foodstuffs, to the end that this country's fighting men may be well fed, the resources of the armed forces of the Allies supplemented, aid extended to ravaged and impoverished peoples, and adequate subsistence provided for citizens and residents of the United States fighting the war on the home front.

This appeal has with particular emphasis been directed to producers of meat, since it is well understood that meat is a principal and indispensable part of the American diet.

The government call has met with prompt and whole-hearted response, and all previous records for the production of staple articles of food have been eclipsed.

Despite the efforts which have been put forth and the success, so far as production is concerned, which has attended them it is an indisputable fact, inconsistent and incongruous as it may seem, that with respect to certain commodities, and conspicuously so with respect to beef, a definite shortage exists throughout the nation.

With the ranges over-populated by a record increase of 12,000,000 head of beef cattle, the markets are illy supplied with beef, and citizens possessed of necessary ration points are unable to have their legitimate wants supplied.

This undesirable condition reaches not only the consumer, but as well vitally affects the producer, who has done all within his power to meet the responsibility placed upon him by his government. His ranges are overcrowded with cattle he cannot sell, to the injury of the ranges, and his breeding stock is becoming over-aged.

These conditions, serious alike to the consumer and the producer, are due, it is felt, to lack of coordination of the policies and regulations of the several government agencies whose orders affect the cattle industry, and the failure of certain of such agencies to comprehend the nature of the problems involved. To the consumer, ration points for beef have little value when the beef cannot be found in the markets, although there is an abundance of cattle on the range to meet their demands. To the producer, an increase in herds serves little purpose when he cannot sell his cattle. The packer cannot buy beyond his quota, and therefore is unable adequately to supply the markets.

Wherefore your memorialist, the Senate of the State of Arizona, earnestly requests:

1. That immediate steps be taken to place in the hands of a single agency all questions affecting the production, distribution and sale of meat for food.
2. That such agency be composed of representatives of consumers, producers, and the government. *Adopted by the Senate, March 11, 1944*

SEVENTEENTH LEGISLATURE, REGULAR SESSION, 1945

No wildlife legislation was passed by the Seventeenth Legislature in the regular session or the two special sessions. The Senate, popularly known as the "cowboy legislature," did pass **Senate Memorial No. 2 [quoted here in its entirety]: A Memorial Requesting Congress to Investigate the Administration of the National Forests** during the First Special Session, chastising the US Forest Service for its stringent grazing regulations and requesting that this service adopt the more lenient standards then in effect on Taylor Grazing Lands (now Bureau of Land Management lands).

Your Memorialist Respectfully Represents:

That the United States Forest Service is, in effect and without sufficient Congressional authorization, dictatorially exercising legislative and judicial functions in regard to grazing on the National Forests, instead of limiting itself to the administration of the forests. A general grazing reduction program of from 30 to 50 percent has been announced by forest officials. If this program is put into effect it will work a great hardship on, and jeopardize the stability of the users of the National Forests.

It has been called to the attention of this body that the Grazing Service, which is charged with the administration of other federal grazing lands and which is functioning under a clearly defined law recently enacted by Congress, is exercising a more practical application of conservation and is giving the users a fairer adjudication of grievances and more security of tenure and general stability.

Wherefore your memorialist, the Senate of the State of Arizona, requests:

That a Congressional investigation be made of conditions existing in connection with the administration of the National Forests, to the end that legislation may be formulated which will remove existing evils and give all areas of federal land for grazing purposes uniform, reasonable and just treatment. *Adopted by the Senate, September 25, 1945*

EIGHTEENTH LEGISLATURE, REGULAR SESSION, 1947

Chapter 76 (House Bill 20) [quoted here in its entirety]

An Act: Relating to Predatory Animals; Providing for a Reward for the Destruction Thereof, and Prescribing Penalties Therefor

Section 1: Bounty on Predatory Animals: (a) The livestock sanitary board may pay a reward of \$50 for each lion, \$50 for each lobo wolf, and \$3.50 for each coyote killed within the state.

(b) Any person who kills an animal specified in subsection (a) may claim any award offered therefor by displaying scalp to an inspector of the livestock sanitary board located in the district in which the animal was killed; making affidavit on a form prescribed by the board that he killed the animal, together with the date when, the place where, and the manner in which it was killed, and executing a claim upon the state for the amount claimed. He may retain the hide of the animal killed. If the inspector is satisfied that the animal was killed within the state by the person presenting the claim, he shall approve the claim and forward it together with the claimant's affidavit, to the board. The board, if it finds the claim in order, shall approve the same and file it with the state auditor. No claim shall be approved unless the claimant is a legal resident of the state and no claim shall be approved if the animal was killed by a federal or state predatory hunter or trapper.

Section 2: Penalty: Violation of any provision of the Act or the rules or regulations established thereunder is a misdemeanor. Any person found guilty thereof shall be punished by a fine of not less than \$25 nor more than \$300. Imprisonment for not less 30 days nor more than one year or both such fine and imprisonment. *Approved by the governor, March 18, 1947*

EIGHTEENTH LEGISLATURE, FIRST SPECIAL SESSION, 1947

Senate Joint Memorial No. 1 [quoted here in its entirety]: A Joint Memorial on the Transfer of the Fort Huachuca Military Reservation: To the Secretary of War,

Washington, DC: Your Memorialist Respectfully Represents:

According to the press the United States War Department is considering the abandonment of the military installation at Fort Huachuca, Arizona, together with area embraced within the Fort Huachuca military reservation.

The hope is entertained by the people of Arizona that such action may not be found necessary and that this historic site may be retained, and maintained by the War Department.

In the event, however, that the rumored action is to be taken it should be pointed out that the maximum benefits from the buildings and structures comprising the military installation at Fort Huachuca, as well as the area comprising the military reservation, may be obtained by their transfer to the state of Arizona, for the use of departments of the state government.

WHEREFORE your memorialist, the Legislature of the State of Arizona, requests:

That in the event the War Department concludes to abandon the Fort Huachuca military reservation and the military installation thereon, it be transferred to the State of Arizona by such means and under such conditions as the law permits. *Approved by the governor, June 16, 1947*

Fort Huachuca was transferred to the state of Arizona, and the facilities and the reservation turned over to the Arizona Game and Fish Department. Pronghorn and bison were translocated to the properties, and the reservation was managed as a third buffalo ranch and as a research area for range studies and other projects.

EIGHTEENTH LEGISLATURE, SEVENTH SPECIAL SESSION, 1948

Chapter 5 (Senate Bill 6) [quoted here in its entirety]

An Act: Relating to the Exchange of State Land for Federal Lands; Providing for the Acceptance of the Provisions of the Taylor Grazing Act, as Amended, and Section 38 of the Enabling Act, as Amended, and all other Applicable Acts of Congress Which Have Been Enacted Relating to the Exchange of State Lands for Federal Lands by the State of Arizona; Confirming and Authorizing the Exchange of State Land for Federal Lands Under the Provisions of Said Taylor Grazing Act, as Amended, and Section 28 of the Enabling Act, as Amended, or Other Applicable Acts of Congress, and Confirming all Exchanges Made Pursuant Thereto Prior to the Passage of This Act; Amending Article 12, Chapter 11, Arizona Code of 1939, by Adding Sections 11-1211 and 11-1212; Providing for an Appropriation of \$5,000 to the Attorney General of the State of Arizona for Protecting the Interests and Rights of the State of Arizona in Such Exchanges and Carrying out the Provisions of this Act; Repealing all Acts or Parts of Acts in Conflict Hereto; and Declaring an Emergency

Section 1 amended Article 12, Chapter 11, Arizona Code of 1939 by adding Section 11-1211:

Section 11-1211: Acceptance of Terms of Taylor Grazing Act, as Amended, and Amendment of Section 28 of Enabling Act, and Other Acts of Congress: The state of Arizona hereby accepts the provisions of the Taylor Grazing Act (Act of June 28, 1934, 48 Stat. 169), as amended, and amendment to Section 28 of the Enabling Act (Act of June 5, 1936 chapter 517, 49 Stat. 1477), and all other applicable Acts of Congress which have been enacted relating to the exchange of state land for federally owned land. The state land department is hereby authorized to cooperate with the federal government in the administration of said Taylor Grazing Act, and other applicable Acts of Congress relating to the exchange of state lands for

federal lands, whenever the interest of the state, in the judgment of the department, can best be served thereby.

Section 2 amended Article 12, Chapter 11, Arizona Code of 1939 by adding Section 11-1212:

Section 11-1212: Exchanges; Confirmation of Prior Exchanges: The state land commissioner and the selection board are hereby authorized and empowered to effect such exchanges of state owned land for federally owned land, excepting, however, from and after the effective date of this Act, state owned lands containing merchantable saw timber, and do any and all things necessary or required to be done by the state of Arizona in order to comply with the provisions of said Taylor Grazing Act, as amended, section 28 of the Enabling Act, as amended, or any other act of Congress relating to the exchange of lands heretofore enacted and any of the rules or regulations passed or promulgated in pursuance thereof. Such exchanges shall be made in the same manner and under the same rules and regulations as required in the selection of lands under the provisions of the Enabling Act, as amended.

All exchanges for federal land heretofore made by the commissioner and selection board under the provisions of the Taylor Grazing Act, as amended, Section 28 of the Enabling Act, as amended, or any other act of Congress applicable thereto, are hereby confirmed and ratified.

Section 3: Appropriation to Attorney General: In order to protect the interests and rights of the state of Arizona under the provisions of the Enabling Act, as amended, and under the provisions of the Taylor Grazing Act, as amended, relating to exchanges for federal land which have been filed prior to the passage of this Act, and to effect such exchanges, the sum of \$5,000 is hereby appropriated to the attorney general of the state of Arizona for such purposes and uses as he may deem necessary and for the best interests of the state relating to such exchanges.

Section 4: Severability: Should any section, paragraph, sentence, clause or phrase of this Act be declared unconstitutional or invalid for any reason, the remainder of said Act shall not be affected thereby.

Section 5: Repeal of Conflicting Acts: All acts or parts of acts in conflict hereto are hereby repealed. *Approved by the governor as an emergency measure, September 29, 1948*

This act allowed for land exchanges, with the intention of creating blocks of grazing management units to improve range management. Within a given management block, ranchers would only have one overseeing management agency to deal with.

NINETEENTH LEGISLATURE, 1949

Chapter 22 (House Bill 65)

An Act: Relating to Predatory Animals and Amending Section 50-102f, Arizona Code of 1939

Section 1 amended Section 50-102f, Arizona Code of 1939 to read:

Section 50-102f: Bounty on Predatory Animals: (a) The livestock sanitary board may pay a reward of \$100 for each mountain lion, \$50 for each lobo wolf, and \$3.50 for each coyote killed within the state.

(b) Any person who kills an animal specified in subsection (a) may claim any reward offered therefor by displaying the hide of such animal to the inspector of the livestock sanitary board located in the district in which the animal was killed; making affidavit on a form prescribed by the board that he killed the animal, together with the date when, the place where,

and the manner in which it was killed, and executing a claim upon the state for the amount claimed. He may retain the hide of the animal killed. If the inspector is satisfied that the animal was killed within the state by the person presenting the claim, he shall approve the claim and forward it, together with claimant's affidavit, to the board. If the board finds the claim in order it shall approve the same and file it with the state auditor. No claim shall be approved unless the claimant is a legal resident of the state and no claim shall be approved if the animal was killed by a federal or state predatory hunter or trapper. *Approved by the governor as an emergency measure, March 10, 1949*

This act increased the bounty on mountain lions from \$50 to \$100, while retaining the legislature's management authority over predators.

Chapter 28 (House Bill 96) [quoted here in its entirety]

An Act: Relating to the Preservation of Fish and Game; Making Expenditures by the State Game and Fish Commission Subject to the Provisions of the State Budget Law; Amending Article 1, Chapter 57, by Adding Section 57-144a; Amending Section 57-144, Arizona Code 1939, and Declaring an Emergency

Section 1 amended Section 57-144, Arizona Code 1939 to read:

Section 57-144: State Game and Fish Fund: The commission shall on or before the last Tuesday of each month pay to the state treasurer, all the money received by it from licenses or from any other sources under this Act, and the state treasurer shall deposit such money in a special fund to be known as the State Game and Fish Protection Fund, which is hereby set aside, appropriated and made available to the commission in carrying out the provisions of this Act and such funds shall be used for no other purpose, provided however, that the expenditures of such funds shall be under the strict control of the budget laws of the state and no money shall be expended from such funds except:

(a) as provided for by the state legislature specifying the amounts and purposes for which such funds may be expended;

(b) to match federal grants for wildlife restoration; and (c) for emergency purposes not to exceed \$25,000 in any one fiscal year when authorized by the governor and state auditor.

Section 2: Article 1, Chapter 57, Arizona Code 1939, is amended by adding Section 57-144a, to read:

Section 57-144a: Budget Appropriation: Beginning with the fiscal years 1949–50 and 1950–51 and for each biennial period thereafter, the legislature shall, in its general appropriation measure, and in accordance with the budget laws of the state, make an appropriation for the operation of the Arizona Game and Fish Commission, said appropriation to be payable only out of state game and fish protection funds, said appropriation to be expended only as provided by the state budget laws applying to all other state departments. *Approved by the governor as an emergency measure March 1, 1949*

By this act, the legislature attempted to resume control over the disbursement of monies deposited in the Game and Fish Fund.

Chapter 43 (House Bill 174) [quoted here in its entirety]

An Act: Relating to Fish and Game and Wildlife Restoration; Repealing Section 57-123; Amending Sections 57-101, 57-105, 57-113, 57-115, 57-116, 57-117, 57-119 and 57-306, Arizona Code of 1939, and Amending Article 1, Chapter 57, Arizona Code of 1939, as Amended, by Adding New Sections 57-103a, 57-109b, and Declaring an Emergency

Section 1 amended Section 57-101, Arizona Code of 1939 to read:

Section 57-101: Definitions: Terms as used herein shall mean: to “take” birds, animals, or fish, or birds’ nests or eggs, or spawn or eggs of fish, shall mean the pursuit, hunting, capture, or killing of birds, animals, including amphibians, or fish, or collection of birds’ nests or eggs, or spawn or eggs of fish, and shall include pursuing, shooting, hunting, killing, capturing, taking, snaring, netting, placing or using any net or other device, and all lesser acts such as disturbing or annoying; “trap or trapping” shall mean taking in any manner except with gun or implement in hand; “angling” shall mean the taking of game fish by one line and one hook, or by one line and one artificial lure which may have attached more than one hook, or by one line and not to exceed two artificial flies or lures. The line may be held in hand or attached to a rod but in either case must be constantly attended. Each person shall be limited to one line or one rod and one line. In every case said hook, hooks, flies or lures are to be used in such manner that the fish voluntarily take it or attempt to take it in their mouths; “open season” is the time during which game birds, game animals, including amphibians, or game fish may be lawfully taken, and includes the first and last days thereof; “closed season” is the time during which game birds, game animals, including amphibians, or game fish may not be taken; “guide” means any person who shall for pay, aid or assist any person or persons in locating, pursuing, hunting or killing any of the game birds, animals or fish mentioned in this Act; “preceding license year” shall mean the last year, preceding the present in which any person held a valid license to hunt, fish, trap, guide or engage in the business of fur dealer; “license year” shall mean the 12 month period between July 1 and June 30, both dates inclusive.

The commission may define any species of wild animals as being game animals, big game, fur-bearing animals, predatory animals, nongame animals, and define birds as upland game birds, nongame birds, and define fish as game fish and nongame fish.

Whenever or wherever used in this Act, unless contrary intention is evident from the context, the word “person” shall include individuals, co-partnerships, associations and corporations; the singular shall include the plural; and the masculine shall include the feminine and neuter.

Whenever or wherever used in this Act, the words “he,” “him” and “his” shall include individuals of either sex, co-partnerships, associations and corporations and the singular shall include the plural.

Section 2 amended Article 1, Chapter 57, Arizona Code of 1939 by adding Section 57-103a:

Section 57-103a: Special Powers and Duties of the Commission: The commission may close a stream or any part of a stream immediately after planting fish and may keep such stream closed until such time as the fish have had an opportunity to establish themselves. The commission may close and open these fish planting areas without complying with the clause providing for 30 days notice, provided, however, that signs be posted designating the length of time a particular section of stream shall be closed to fishing.

Any funds received by the commission from the sale of any capital asset originally purchased with license funds shall be paid into the game and fish protection fund.

The commission may expend funds for membership dues in organizations dealing directly with fish and game management in the United States.

Section 3 amended Section 57-105, Arizona Code of 1939 to read:

Section 57-105: State Game and Fish Directors; Other Employees; Salary: The commission shall appoint a state game and fish director who shall be the general manager for the game and fish commission and who shall possess a thorough knowledge of animals, birds and

fish, and the requirements for their conservation. The state game and fish director shall act as secretary to the commission, and shall serve for a term of four years, unless removed by the commission, after hearing, for inefficiency, neglect of duty or misconduct in office. If removed, the commission shall file in the office of the Secretary of State a complete statement of all charges made against him and its findings thereon, together with a complete record of the proceedings. The state game and fish director shall not hold any other office, and shall devote his entire time to the duties of his office.

The state game and fish director may appoint, with the approval of the commission, game rangers, for the payment of whose salary money is available in the game and fish protection fund. The game rangers shall be located in the different sections of the state where their services are most needed.

The commission shall fix the salaries of the game rangers and shall provide that the state game and fish director and commission personnel shall be paid their actual and necessary traveling expenses as prescribed by law for other state employees and, provided further, that the compensation for the state game and fish director shall not exceed \$6,000 per annum.

Section 4 amended Article 1, Chapter 57, Arizona Code of 1939 by adding Section 57-109a:

Section 57-109a: Land Owner or Lessee Permitted to Take Bear: Any landowner or lessee who is a legitimate livestock operator may authorize the taking of stock killing bear, provided, however, that a witnessed statement, describing in detail the facts of such stock killing, shall be signed by the stockman and filed within 30 days after the bear has been taken with the Phoenix office of the commission, or local game ranger.

Section 5 amended Article 1, Chapter 57, Arizona Code of 1939 by adding Section 57-109b:

Section 57-109b: Unlawful Camping: It shall be unlawful for any person or persons to camp in the environs of a waterhole in such a manner that wildlife and/or domestic stocks will be denied access to the only reasonably available water.

Section 6 amended Section 57-113, Arizona Code of 1939 to read:

Section 57-113: Possession, Storage, Transportation, Importation, Purchase or Sale of Animals, Including Amphibians and Birds: Where the possession, transportation, purchase or sale of any wild animal, including amphibians, wild birds, or fish, or any part thereof, is restricted or unlawful, the possession, transportation purchase or sale of such animal, including amphibians, birds or fish, or any part thereof coming from or taken without the state, whether belonging to the same or a different species from that native to this state, but belonging to the same family as those protected by this Act, is, unless otherwise herein provided, unlawful.

Game animals, including amphibians, and fur-bearing animals, game fish and game birds (excepting migratory birds or parts thereof) lawfully taken without the state may be transported into this state when accompanied by evidence, issued by the state or country where taken, showing that such game animals, including amphibians and fur-bearing animals, game fish and game birds (except migratory birds) were lawfully taken.

Migratory game birds may be possessed and transported into this state only in accordance with the Migratory Bird Treaty Act (U. S. C., tit. 16, pars. 703-711; 5 F.C.A., tit.16, pars. 703-711) and regulations thereunder.

Fur or fur-bearing animals lawfully taken, nongame animals, nongame amphibians, fish and birds for which no closed season or protection is provided may be possessed or transported at any time.

Any person holding a valid license may transport during the open season therefor, game animals, including amphibians, game birds and game fish, or parts thereof, lawfully taken, but not to exceed one day's bag or possession limit, within the state or from a point within to a point without the state, otherwise than by parcel post, but he shall not transport out of the state more than the bag limit of big game or more than one day's bag or possession limit in any one calendar week, of other game animals, including amphibians, game birds or game fish.

The heads, antlers, hides, feet or skin of game animals, including amphibians, game birds or game fish, lawfully taken, may be transported and mounted specimens of the same bought or sold, except that the skins of migratory birds may be sold or transported only in accordance with the United States Migratory Bird Treaty Act (U.S.C., tit. 16, pars. 703-711; 5 F.C.A., tit. 16, pars. 703-711) and regulations thereunder.

Game animals, including amphibians, game birds, excepting migratory birds, and game fish and parts thereof lawfully taken during the open season, may be possessed during the open season therefor and for 60 days thereafter without a permit.

Persons desiring to keep lawfully taken and possessed game and fish, including amphibians, indefinitely by placing any game animal or game bird or game fish, including amphibians, or parts thereof, in a commercial frozen food locker or home freezer of any type or description, must have said game animals, game birds, game fish or parts thereof stamped with a vegetable dye by an authorized agent of the commission. A fee of \$0.50 shall be collected for the stamping of each legal bag limit. Possession of game animals and game birds unstamped by the official seal of the Arizona game and fish commission in a commercial frozen food locker or home freezer of any type or description after 60 days from the close the open season therefor shall be illegal.

The commission shall determine and apply such regulations as it may deem necessary covering the storage of game in any public cold storage warehouse, home freezer or other facility for the prevention of spoilage of food and, provided further, that the commission may bond and appoint frozen food locker operators or other agents of the commission and authorize them to stamp game animals, birds and fish according to the provisions of the Act.

Any package in which any game animal, including amphibians, game bird, or game fish, or thereof, or egg or nest of any wild bird, nongame animal, fish or bird, or fur-bearing animal, is transported shall have clearly and conspicuously marked on the outside thereof, the names and addresses of the consignor and the consignee, together with an accurate statement of its contents, and the number of the shipping permit where such permit is required.

Any package or shipment of any game animals, including amphibians, fur-bearing animals, game birds, or game fish, or parts thereof, offered to or in the possession of any common carrier shall be construed to be and remain in the possession of the consignor until delivered to the consignee; provided, that if or when any common carrier is not able, or refuses or neglects to show from whom any consignment or shipment of game animals, including amphibians, fur-bearing animals, game birds or game fish, or parts thereof, was received, the consignment or shipment is hereby declared to be in the possession of the common carrier having same in transit.

No person shall take any wild bird, wild animal, including amphibians or fish, or the nest or egg of any wild bird, or the spawn or eggs of fish, or possess, buy, sell, offer or expose for sale, or transport, or receive from another, any such bird, animal, including amphibian, or fish, or part thereof, or any bird's nest or egg, or any spawn or eggs of fish, or amphibians, except as expressly permitted by this Act. The possession of any game animal, including amphibians,

game bird, or game fish or part thereof, in any hotel, restaurant, café, market or store, shall be prima facie evidence of the possession thereof for the purpose of sale in violation of this Act, but this provision shall not prohibit a person lawfully obtaining such game animal, game amphibian, game bird, or game fish from having it prepared in a public eating place and served to himself and guests or placed in storage in accordance with the provisions of this Act.

Section 7 amended Section 57-115, Arizona Code of 1939 to read:

Section 57-115: License Fees: Licenses shall be divided into classes and fees paid therefor as follows, except that when, at the discretion of the commission, it becomes necessary to limit or further regulate the taking of any game fish, game bird, or game animal, including amphibians, it may order the issuance of an additional license or permit and fix fees therefor.

Class A resident warm water fishing license \$ 1.50, Class B nonresident warm water fishing license \$5, Class C resident trout license \$2.50, Class D nonresident trout license \$10, Class E combination resident warm water and trout license \$3.50, Class F resident general hunting license \$4, Class H nonresident small game license \$20, Class I resident deer tag \$1, Class J combination resident general fishing and hunting license \$7, Class K nonresident deer license and tag \$50, Class L resident elk license and tag \$15, Class M nonresident elk license and tag \$75, Class N resident antelope license and tag \$10, Class O nonresident antelope license and tag \$50, Class P resident turkey tag \$0.50, Class Q nonresident turkey license and tag \$10, Class R resident bighorn license and tag \$50, Class S nonresident bighorn license and tag \$150, Class T resident javelina license and tag \$1, Class U nonresident javelina license and tag \$5, Class V nonresident fishing license (5 day warm water only) \$3, Class W nonresident fishing license (5 day trout) \$5, Class X resident guide license \$10, Class Z nonresident trappers license \$100, Class Z1 resident trappers license \$1, Class Z2 taxidermist license \$10, Class Z3 fur dealers license \$10, Class Z4 nonresident bear license \$10.

The license fees herein set are the maximum amounts that may be charged, but the Arizona Game and Fish Commission may, at its discretion, reduce the license fees any amount deemed necessary.

The commission shall cause to be dispensed with each license issued a full and complete copy of all rules and regulations adopted by the commission then in force and effect.

Bear may be taken in season by anyone possessing a resident deer or elk license.

The commission may issue an alien hunting or fishing license, provided a fee of \$100 is charged for the hunting of each big game animal and a fee of \$25 for a general alien fishing license.

A resident for the purpose of this Act is defined to be a citizen of the United States who has been a bona fide resident of this state for one year immediately preceding the date of application for license. A complimentary license may be issued by the commission to a pioneer 70 years of age or older who has been a resident of this state for 25 or more consecutive years. It shall be unlawful for any person to obtain by fraud or misrepresentation a license to take game or fish, and such license so fraudulently obtained shall be void and of no effect from the date of issuance thereof. Provided further, that this section shall take effect on July 1, 1949.

Section 8 amended Section 57-116, Arizona Code of 1939 to read:

Section 57-116: Soldiers Hunting and Fishing Licenses: In addition to the classes of hunting and fishing licenses now provided by law, there shall be a special hunting and fishing license, issued only to members of the armed forces on active duty with the United States and stationed in the state of Arizona. The license shall entitle the holder thereof, in season and subject to the bag limits, to take small game and fish in the state of Arizona. Such license shall

be valid for the same period as other licenses and the fee for such license shall be \$7, provided, however, that this form of license shall be terminated and this section inoperative on July 1 following that year in which a state of war no longer exists between the United States and any foreign nation.

Section 9 amended Section 57-117, Arizona Code of 1939 to read:

Section 57-117: License Required; Minors; Form and Contents of License; Sale of Licenses; Disposition of Fees; Report of Licensing Agents: No person shall take fish, birds or animals in this state, unless, at the time of such taking, he shall have proper license on his person and shall exhibit the same upon request for inspection to any person, except that it shall be lawful for a resident of this state under the age of 16 years to fish during the open season, and when accompanied by a person holding a valid license, to take small game during open season, even though such resident child has no license, provided that not more than two such resident children shall accompany such person holding a valid license; but no child, either resident or nonresident shall take any big game without first obtaining a license as herein provided, and provided further, that a license to take big game shall not be issued to any child under 12 years of age.

The form of license shall be determined and the license blanks prepared by the commission and by it furnished and charged to the person authorized to issue licenses. Each license shall be accompanied by a shipping permit, authorizing the licensee to ship either within or out of the state not to exceed the possession limit of game or fish, which permit or coupon thereof must be attached to the shipment. If a resident desires, and is entitled to make an additional shipment either within or out of the state, or a nonresident desires, and is entitled to make an additional shipment either within or out of the state, he shall first secure from the commission, an additional permit or tag authorizing the shipment, which permit or tag shall be attached to the shipment. The commission shall provide the state game and fish director with shipping permit blanks or tags which shall be issued by him, in accordance with the provisions of this section, upon payment of a fee of \$0.50 each. The license shall be issued in the name of the commission, sealed with its seal and countersigned by the officer issuing the same. Each license shall be signed by the licensee in ink on the face thereof and any license not so signed is invalid.

With each license authorizing the killing or taking of big game, the commission shall provide suitable forms or tags which are to be immediately attached to the horns, feet or skin of such big game when killed or taken.

It shall be unlawful for any person to apply for and sign as licensee in any one license year more than one original license permitting the taking of big game. Provided, however, that a duplicate of such license may be obtained by the licensee upon affirming in writing that the original license has been lost and including therewith a statement as to which, if any, big game stubs or tags have been used. All duplicate licenses must be obtained from the person or agent who issued the original license or from the office of the commission. To be valid each duplicate license must carry in ink in all spaces provided therefor the number of the original license. The commission shall assess and collect a fee of \$1 for each duplicate license issued.

Effective on and after July 1, 1949, all licenses issued, except any special license set by the commission and licenses Class V, W and pioneer shall be for the license year and shall expire on the 30th day of June following date of issuance.

Hunting, fishing and trapping licenses or other license forms so ordered by the commission, shall be issued by such persons as may be designated for that purpose by the commission.

When required by the commission, persons so designated or empowered shall pay the premiums for and give to the state a bond in the sum of \$1,000 and such person is to continue under such bond during the entire time he is designated or empowered to issue licenses; provided further, however, that the commission may require the larger license dealers to furnish the state a bond in whatever sum is deemed necessary to protect the interest of the state of Arizona.

All persons issuing licenses shall on the first Tuesday of each month, transmit to the commission all license fees, with a legible statement setting forth the name and residence of each licensee, the serial number and class of license and the amount paid for each license issued during the previous month. Persons issuing licenses other than the state Game and Fish Director shall retain as their compensation, five per cent of all license fees collected.

On the 30th day of June of each year or on demand of the commission, all persons authorized to issue licenses shall return to the commission all duplicate stubs, unused licenses and big game tags furnished such persons during the entire license year, together with a final report recapitulating and tabulating the total number of licenses issued and the total amount of license money received. The commission shall enforce the making of such return and any person failing to comply with the provisions of this section shall be deemed guilty of a misdemeanor.

Section 10 amended Section 57-119, Arizona Code of 1939 to read:

Section 57-119: Guides; Licenses; Fees; Reports: No person shall act as a guide as defined herein without first satisfying the commission of his reliability and without having procured proper license therefor, which license must be carried on his person while he is acting. No guide license shall be granted except to a citizen of the United States 21 years of age or over and a bona fide resident of this state. Each licensed guide shall act without pay as a game ranger with all the powers and duties of that office, provided however, that if a licensed guide fails or neglects to enforce the provisions of this Act, his license shall be revoked by the commission and he also shall be liable to punishment as for a violation of this Act.

At the end of each license year or earlier at the request of the commission, all persons acting as guide shall report to the commission on forms provided therefor the name and address of each person guided by him, number of days he has been so employed by such person and as nearly as practicable the number of game animals, birds and fish taken by such person during the current license year.

No license to guide shall be issued to any person who has failed to supply such report to the commission for his "preceding license year".

No person acting as guide shall carry firearms other than revolver or pistol while so acting.

Section 11: Section 57-123: Taking Limit; Possession, Sale and Transportation Restricted; Hunting with Dogs Prohibited, Arizona Code of 1939, is hereby repealed.

Section 12 amended Section 57-306, Arizona Code of 1939 to read:

Section 57-306: Financial Provisions: (a) In the event the commission desires to avail itself of moneys apportioned to this state for any fiscal year pursuant to the Wildlife-Restoration Act of Congress, it shall notify the Secretary of the Interior to that effect not later than 60 days after receipt of certification by the secretary of the estimated amount, to be apportioned to this state for such year.

(b) Upon receipt of final certification by the Secretary of the Interior of the amount apportioned to this state for any fiscal year pursuant to the Wildlife-Restoration Act of Congress, the state treasurer shall transfer this state's one-third share of the amount so apportioned from any moneys appropriated by the legislature of this state for the specific purpose of carrying out

the provisions of this Act, and if said moneys be insufficient, then the commission may transfer from the State Game and Fish Protection Fund such sum as it may deem advisable to further match such federal apportionment. Monies received from the Federal Aid to Wildlife-Restoration Fund of the United States established and maintained pursuant to the Wildlife-Restoration Act of Congress shall be deposited in said wildlife-restoration account. Claims against said account shall be made and paid in the manner provided by law for payment of claims against the state game and fish protection fund.

(c) Moneys in the wildlife-restoration account shall be expended solely for work allowable under the provisions of the Wildlife-Restoration Act of Congress and for which the Secretary of the Interior agrees to contribute 75 per cent of the cost from the Federal Aid to Wildlife-Restoration Fund.

Section 13: Emergency: To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law. *Approved by the governor, March 17, 1949*

In addition to broadening and specifying the legislature's fiscal requirements regarding the holding and disbursement of Game and Fish Fund monies, this act redefined the commission's responsibilities regarding the hiring of personnel, established a new series of license classes, and provided new requirements for license disbursement and collection.

Chapter 87 (House Bill 192)

An Act: Relating to Fish and Game and Wild Life Restoration; Amending Section 57-307, Arizona Code of 1939

Section 1 amended Section 57-307, Arizona Code of 1939 to read:

Section 57-307: Appropriation: For the 38th and 39th fiscal years, there is appropriated out of the general fund of the state to the Arizona Game and Fish Commission, to be used in carrying out the provisions of this article, \$75,000 per fiscal year, a sum equal to one-third of the amount apportioned to this state during such years pursuant to the Wildlife Restoration Act of Congress, but not to exceed \$150,000 for the biennium. *Approved by the governor, March 26, 1949*

Also approved for appropriation by this legislature were two fiscal-year budgets of \$505,000, the first biennial budget to exceed \$1,000,000.

House Memorial No. 1 [quoted here in its entirety]: A Memorial Requesting Congress to Provide Recreational Facilities in the Lake Mead National Recreational Area, to the Congress of the United States: Your Memorialist Respectfully Represents

1. Through bureaus of the Department of the Interior, the Lake Mead National Recreational Area, in Arizona and Nevada, has been created, and by the appropriation of moneys for the maintenance and improvement thereof Congress has signified its approval.

2. There are still opportunities and substantial need for additional facilities for recreation in the area thus provided, among which might be mentioned: 1. A road from Pierce Ferry to Fredonia, via Pipe Spring National Monument, connecting with the north rim of Grand Canyon near Tuweep; 2. A paved road from a point on US Highway 93, within the recreational area to Temple Bar; 3. Truck trails along Lake Mead, particularly between the Temple Bar Road and Hualapai Wash, to open the area to fishermen, and, 4. Sewer, airport and other facilities at Temple Bar and Pierce Ferry.

3. The future opening of this splendid area will not only be of great benefit to Arizona, but will render its beauties and recreational advantages available to the people of the

whole United States and cause it to take a high place in the great National Park System, which exists for the enjoyment and benefit of the people of the United States.

Wherefore, your memorialist, the House of Representatives of the State of Arizona, respectfully requests:

That the Congress provide for the further development and improvement of the facilities of the Lake Mead National Recreational Area. *Adopted by the House this 22nd day of January, 1949, 45 Ayes, 0 Nays, 1 Absent, 12 Excused*

House Joint Memorial No. 1 [quoted here in its entirety]: A Joint Memorial Relating to the Propagation of Fish, to the Congress of the United States: Your Memorialist Respectfully Represents

Approximately 72 per cent of the land area of Arizona is federally owned and controlled, and about 30 per cent of that area consists of Indian reservations on which the tribes charge fees for fishing. Most of the 1,000 miles of fishing waters and lakes of Arizona are located on federal lands.

The state of Arizona through the Arizona Game and Fish Commission operates three trout hatcheries and three sets of rearing ponds and pays the major part of the cost of operating the federal trout hatchery at Williams Creek, but its efforts are insufficient to adequately stock the streams. The state does not have the facilities to adequately stock the warm water lakes and streams of the state, all of which would provide excellent large and small mouth bass fishing.

The United States Fish and Wildlife Service has expended or is expending \$141,740 in the construction or improvement of hatcheries in this region and during the past fiscal year expended \$225,149.15 for the hatching, rearing and stocking of fish, but less than \$9,000 of the total amount was spent in the state of Arizona. This expenditure was confined to the Williams Creek Trout Hatchery, on the Fort Apache Indian Reservation, and was and is insufficient to operate even that hatchery without the much greater contributions of the state of Arizona.

A combination trout and pond fish hatchery, to be located in the north central part of Arizona is a service very much needed to relieve the demand for fishing facilities which has been apparent since World War II, caused largely by the settlement in Arizona of approximately 100,000 young war veterans.

Wherefore your memorialist, the legislature of the state of Arizona, requests:

1. That the 81st Congress appropriate the sum of \$96,098 for the operation of the Williams Creek Trout Hatchery, and in addition thereto \$258,141.28 for construction and operation of a combination trout and pond fish hatchery, to be located in the north central part of Arizona. *Passed the House, March 10, 1949, by the following vote: 54 Ayes, 9 Nays, 3 absent, 1 Excused. Passed the Senate March 16, 1949, by the following vote: 17 Ayes, 0 Nays, 2 Not voting. Approved by the governor, March 26, 1949*

TWENTIETH LEGISLATURE, REGULAR SESSION, 1951

Chapter 65 (House Bill 36)

An Act: Relating to the Arizona Game and Fish Commission, and Amending Section 57-102 of the Arizona Code of 1939

Section 1 amended Section 57-102, Arizona Code of 1939 to read:

Section 57-102: Arizona Game and Fish Commission: (a) The affairs of the state relating to fish and game shall be administered by the Arizona Game and Fish Commission, hereinafter referred to as the commission. The Arizona Game and Fish Commission shall consist

of five members, appointed by the governor, with the advice and consent of the senate, not more than three of whom shall be members of the same political party, and all of whom shall be residents of different counties. Members shall be well informed on the subject of wild life and requirements for its conservation. The three incumbent members shall serve for the remainder of the respective terms for which they were appointed and two additional members shall be appointed by the governor within 30 days after the effective date of this Act, one each for terms ending the first Monday in January, 1954 and 1956. Upon the expiration of each of the terms herein provided and of the terms of the present incumbents, all appointments shall be for a full term of five years, except that an appointment to fill a vacancy shall be for the unexpired portion of the term.

(b) The governor may, after hearing, remove a member for inefficiency, neglect of duty or misconduct in office. Upon removal of a member the governor shall file in the office of the Secretary of State a complete statement of all charges made against the member and his findings thereon, together with a complete record of the proceedings. Each member of the commission shall receive an annual salary of \$1 and shall be reimbursed for actual travel and other expenses, not to exceed \$1,000 each in any one calendar year, incurred in the performance of their duties, as provided by law for other state officers, to be paid monthly from the Game and Fish Protection Fund. Members shall qualify by giving bond to the state in the sum of \$5,000, conditioned upon the faithful performance of their duties. The premiums on bonds shall be paid from the State Game and Fish Protection Fund. *Approved by the governor, March 15, 1951*

Chapter 95 (House Bill 94) [quoted here in its entirety]

An Act: Making an Appropriation to the Governor of the State of Arizona for the Control of Grasshoppers

Section 1: Appropriation: The sum of \$50,000 is appropriated to the governor of the state of Arizona.

Section 2: Purpose: The purpose of this appropriation is to control such infestations of grasshoppers in the agricultural and grazing areas of the state as shall be deemed serious to the welfare of the state by the governor of the state of Arizona.

Section 3: Contingency: The appropriation made under the terms of Section 1 is contingent upon the matching of the same by the United States or any agency thereof, with money, or by the supplying of poison and other materials, paying the wages or salaries of personnel, or any combination of such contributions, for use in carrying out the purposes of this Act. The unexpended balance remaining in this fund on December 31, 1951, shall revert to the general fund.

Section 4: Emergency: To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law. *Approved by the governor, March 27, 1951*

Other appropriations made by the Twentieth Legislature included \$550,000 for the Arizona Game and Fish Department, of which \$100,000 was set aside for wildlife and fish restoration under the Wildlife-Restoration (Pittman-Robertson) Act. The director's salary was \$6,000, and other personal services were \$250,543, with \$40,000 being allocated for in-state travel and \$750 for out-of-state travel.

Chapter 95 (House Bill 168) [quoted here in its entirety]

An Act: Providing for the Disposition of Lands Acquired by the Arizona Game and Fish Commission

Section 1: Authority to Dispose of Land: The Arizona Game and Fish Commission may, with the approval of the governor and the state land commissioner, lease, exchange or sell, in the name of the state, any lands acquired by gift, purchase or exchange. Moneys derived from any such sale or lease shall be deposited in the state game and fish protection fund.

Although passed as an emergency measure by the legislature, this bill was not signed by Governor Howard Pyle, who thought the State Land Commissioner should have exclusive rights to exchange, sell, and otherwise dispose of state lands.

Note: No game and fish legislation was considered in the Special Sessions of the Twentieth Legislature that continued on into 1952.

SECTION 5: 1953–62

TWENTIETH LEGISLATURE, SPECIAL SESSIONS, 1952–53

Chapter 31 (Substitute House Bill 111) [quoted here in its entirety]

An Act: Relating to Game and Fish Commission; Providing Qualification for the Director Thereof; Providing an Examination for Director; Amending Section 57-105, Article 1, Chapter 57, Arizona Code of 1939, by Adding Section 57-105a

Be it Enacted by the Legislature of the State of Arizona:

Section 1 amended Section 57-105, Arizona Code of 1939 to read:

Section 57-105: State Game and Fish Director; Other Employees; Salary: The commission shall appoint a state game and fish director who shall be the chief administrative officer of the game and fish commission. The director shall be selected on the basis of administrative ability, general knowledge of game and fisheries management, and the requirements for conservation of animals, birds, and fish. The State Game and Fish Director shall act as secretary to the commission, and shall serve for a term of five years, unless removed by the commission, after hearing, for inefficiency, neglect of duty, or misconduct in office. If the game and fish director is removed, the commission shall file in the office of the Secretary of State a complete statement of all charges made against him, and its findings thereon, together with a complete record of the proceedings. That state game and fish director shall not hold any other office, and shall devote his entire time to the duties of his office.

The State Game and Fish Director may appoint with the approval of the commission, game rangers, and such other employees as are necessary to carry out the purposes of this Act, and for the payment of whose salaries money is appropriated. The game rangers shall be located in the different sections of the state where their services are most needed.

The Game and Fish Director and commission personnel shall be paid their actual and necessary traveling expenses as prescribed by law for other state employees, and, provided, further, that the compensation for the state game and fish director shall not exceed \$8,400 per annum.

Section 2 amended Article 1, Chapter 57, Arizona Code of 1939 by adding Section 57-105a:

Section 57-105a: Examination for Game and Fish Director; Active List of Eligible Applicants: The Arizona Game and Fish Commission shall cause to be prepared, within 60 days after enactment of this Act, an examination for the post of game and fish director to comply with the requirements of this Act. Such examination shall be conducted at the offices of the game and fish commission in the capitol, to establish an active list of eligible applicants. The game and fish director shall be selected from those scoring satisfactory grades, and the commission may call for additional examinations from time to time for the selection of a new list of eligible applicants to fill a vacancy.

Section 3: Repeal: All Acts or parts of Acts in conflict herewith are to the extent of such conflict hereby repealed. *Approved by the governor as emergency legislation, March 18, 1953*
Chapter 36 (House Bill 112)

An Act: Relating to Game and Fish Commission; Providing for License Fees, and Providing Special Licenses for the Armed Forces, and Amending Sections 57-115 and 57-116, Arizona Code of 1939 as Amended by Chapter 52, Section 4. *Approved March 18, 1953.*
Chapter 37 (House Bill 113) [quoted here in its entirety]

An Act: Relating to Game and Fish Commission; Prescribing Minimum Age for Licenses; Amending Section 57-117, Arizona Code of 1939, by adding Section 57-105a

Be it Enacted by the Legislature of the State of Arizona:

Section 1 amended Section 57-117, Arizona Code of 1939 by adding Section 57-117a:

Section 57-117a: Licenses Required; Minors; Form and Contents of License; Sale of Licenses; Disposition of Fees; Report of Licensing Agents: No person shall take fish, birds or animals in this state, unless, at the time of such taking, he shall have proper license on his person and shall exhibit the same upon request for inspection to any person, except that it shall be lawful for a blind resident or a resident or nonresident of this state under the age of 14 years to fish during the open season, and when accompanied by a person holding a valid license, to take small game during open season even though such resident or nonresident child has no license, provided that not more than two such resident or nonresident children shall accompany such person holding a valid license; but no child, either resident or nonresident shall take any big game without first obtaining a license as herein provided, and provided further, that a license to take big game shall not be issued to any child under 12 years of age.

Form and contents of license; shipping coupons. The form of license shall be determined and the license blanks prepared by the commission and by it furnished and charged to the person authorized to issue licenses. Each license shall be accompanied by a shipping permit, authorizing the licensee to ship either within or out of the state not to exceed the possession limit of game or fish, which permit or coupon thereof must be attached to the shipment. If a resident desires, and is entitled to make an additional shipment either within or out of the state, he shall first secure from the commission, an additional permit or tag authorizing the shipment, which permit or tag shall be attached to the shipment. The commission shall provide the state Game and Fish Director with shipping permit blanks or tags which shall be issued by him, in accordance with the provisions of this section, upon payment of a fee of \$0.50 each. The license shall be issued in the name of the commission, sealed with its seal and countersigned by the officer issuing the same. Each license shall be signed by the licensee in ink on the face thereof and any license not so signed is invalid.

With each license authorizing the killing or taking of big game, the commission shall provide suitable forms or tags which are to be immediately attached to the horns, feet or skin of such big game when killed or taken.

It shall be unlawful for any person to apply for and sign as licensee in any one license year more than one original license permitting the taking of big game. Provided, however, that a duplicate of such license may be obtained by the licensee upon affirming in writing that the original license has been lost and including therewith a statement as to which, if any, big game stubs or tags have been used. All duplicate licenses must be obtained from the person or agent who issued the original license or from the office of the commission. To be valid each duplicate license must carry in ink in all spaces provided therefor the number of the original license. The commission shall assess and collect a fee of \$1 for each duplicate license issued.

Effective on and after July 1, 1949, all licenses issued, except any special license set by the commission and licenses Class V, W, and pioneer shall be for the license year and shall expire on the 30th day of June following date of issuance.

Sale of licenses. Hunting, fishing and trapping licenses or other license forms so ordered by the commission, shall be issued by such persons as may be designated for that purpose by the commission.

When required by the commission, persons so designated or empowered shall pay the premiums for and give to the state a bond in the sum of \$1,000 and such person is to continue under such bond during the entire time he is designated or empowered to issue licenses; provided further, however, that the commission may require the larger license dealers to furnish the state a bond in whatever sum is deemed necessary to protect the interest of the state of Arizona.

Disposition of fees. All persons issuing licenses shall on the first Tuesday of each month, transmit to the commission all license fees, with a legible statement setting forth the name and residence of each licensee, the serial number and class of and the amount paid for each license issued during the previous month. Persons issuing licenses other than the State Game and Fish Director shall retain as their compensation, five percent of all license fees collected.

Report of licensing agent. On the 30th day of June of each year or on demand of the commission, all persons authorized to issue licenses shall return to the commission all duplicate stubs, unused licenses and big game tags furnished such persons during the entire license year, together with a final report recapitulating and tabulating the total number of licenses issued and the total amount of license money received. The commission shall enforce the making of such return and any person failing to comply with the provisions of this section shall be deemed guilty of a misdemeanor. *Approved by the governor, March 18, 1953*

Chapter 39 (Senate Bill 33): This housekeeping bill provided funding to obtain federal matching monies. *Approved by the governor, March 18, 1953*

Chapter 47 (Senate Bill 89) [quoted here in its entirety]

An Act: Making an Appropriation to the Governor for the Control of Grasshoppers and Other Insects

Be it Enacted by the Legislature of the State of Arizona:

Section 1: Appropriation: The sum of \$50,000 is appropriated to the governor, for the purpose of defraying the cost of controlling such infestations of grasshoppers and other insects in the agricultural and grazing areas as are deemed by the governor to be a menace to the welfare of the state.

Section 2: Contingency: (a) The appropriation made under the provisions of Section 1 is contingent upon: 1. the matching of the same by the United States or any agency thereof and the owner of the land to be treated, on the basis of one-third each, which sums when added to the state's contribution of the one-third shall constitute the expendable fund, or, 2. in the event federal matching funds are not made available the matching shall be one-half of the owner of the land one-half by that state from fund provided by this Act.

(b) The supplying of poison and other materials, payment of wages or salaries of personnel, or any combination of such contributions, for the purpose of carrying out the provisions of this Act shall, to the extent of the value of such contributions, be accepted in place of a cash contribution. The unexpended balance remaining in this fund on December 31, 1953 shall revert to the general fund.

Section 3: Emergency: To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law. *Approved by the governor, March 19, 1953*

Chapter 48 (Senate Bill 102) [quoted here in its entirety]

An Act: Relating the Legislature, and Making a Re-appropriation of Funds Heretofore Appropriated to the Nineteenth and Twentieth Legislatures

Be it Enacted by the Legislature of the State of Arizona:

Subdivision 74: Arizona Game and Fish Commission: From the Arizona Game and Fish Protection Fund the following is appropriated:

| | | |
|----------------------------------|----------------------------------------|------------------|
| Administration | | |
| | Personal Services | \$ 63,825.00 |
| | State Travel | 3,850.00 |
| | Out-of-State Travel | 450.00 |
| | Other Current Expenditures | 52,830.00 |
| | Subscriptions and Organization Dues | 125.00 |
| | Fixed Charges | 7,500.00 |
| | Capital Outlay | |
| | Equipment | 8,200.00 |
| | Buildings and Improvements | <u>12,500.00</u> |
| | Total Administration | \$ 149,280.00 |
| Law Enforcement | | |
| | Personal Services | 128,340.00 |
| | State Travel | 45,200.00 |
| | Other Current Expenditures | 14,900.00 |
| | Fixed Charges | 500.00 |
| | Capital Outlay—Equipment | <u>23,000.00</u> |
| | Total Law Enforcement | \$ 211,940.00 |
| Game Management | | |
| | Personal Services | |
| | Predatory Control | *24,500.00 |
| | Other Personal Services | <u>8,500</u> |
| | Total Personal Services | \$ 33,000.00 |
| | State Travel | 5,500.00 |
| | Other Current Expenditures | <u>1,150.00</u> |
| | Total Game Management | \$ 39,650.00 |
| Information and Education | | |
| | Personal Services | \$ 14,160.00 |
| | State Travel | 1,850.00 |
| | Out-of-State Travel | 300.00 |
| | Other Current Expenditures | 9,600.00 |
| | Subscriptions and Organization Dues | 100.00 |
| | Fixed Charges | 50.00 |
| | Capital Outlay—Equipment | <u>3,800.00</u> |
| | Total Information and Education | \$ 29,810.00 |

| | | |
|-----------|-----------------------------------------------|--------------------|
| Fisheries | | |
| | Personal Services | \$ 85,350 |
| | State Travel | 3,600.00 |
| | Out-of-State Travel | 300.00 |
| | Other Current Expenditures | 93,310.00 |
| | Fixed Charges | 600.00 |
| | Capital Outlay | |
| | Equipment | 10,000.00 |
| | Buildings and Improvements | 48,200.00 |
| | <i>Total Capital Outlay</i> | \$ 76,200.00 |
| | | |
| | Total Fisheries | \$ 241,360.00 |
| | | |
| | Dingle-Johnson Act for Fish Restoration | **15,000.00 |
| | Wildlife Restoration (Pittman-Robertson) | ***94,737.50 |
| | Cooperative Wildlife Research Unit | 6,000.00 |
| | | |
| | Total Arizona Game and Fish Commission | **** \$ 787,777.50 |

*This appropriation is made to enable the state to cooperate with the Federal Wildlife Department for the eradication of predator animals.

**This appropriation is made to enable the state to carry out the provisions of Public Law 681, Eighty-First Congress, providing for cooperation with the states in fish restoration and management projects.

***This appropriation is made to enable the state to cooperate with the Federal Government for the preservation of wildlife restoration.

****This appropriation is exempt from the provisions of section 10-925, Arizona Code of 1939, as amended, relating to quarterly allotments.

TWENTY-FIRST LEGISLATURE, 1954

Chapter 7 (Senate Bill 70) [quoted here in its entirety]

An Act: Relating to Fish and Game; Authorizing Reciprocal Agreements Between Arizona and Adjoining States Concerning Sport Fishing and Hunting Licenses; Providing for Special Licenses and Permits for Use on and Along the Colorado River; Granting Special Privileges to California Licensees; Authorizing the Game and Fish Commission to Handle Certain Permits and Remit Proceeds Thereof to State of California; and Amending Article 1, Chapter 57, Arizona Code of 1939, by Adding Sections 57-115a to 57-115f, Inclusive

Be it Enacted by the Legislature of the State of Arizona.

Section 1 amended Article 1, Chapter 57, Arizona Code of 1939 by adding Sections 57-115a to 57-115f, inclusive:

Section 57-115a: Reciprocal Agreements: The Arizona Game and Fish Commission, subject to the approval of the department of law, is authorized to enter into reciprocal agreements with corresponding state or county official agencies of adjoining states pertaining to the establishment of a basis whereby sport fishing licenses, sport hunting licenses, or both, issued by

either of the parties may be used by the licensees within the jurisdiction of either party to the agreement.

Section 57-115b: Colorado River Special Use Permit: (a) Any person taking fish for purposes other than for profit from or while on a boat or other floating device on the waters of the Colorado River and on adjacent waters where the river forms a boundary between the states of Arizona and California, must have in his possession a valid angling or fishing license issued by either the state of Arizona or the state of California. In addition to the above described licenses, such person must have in his possession a valid California or Arizona Colorado River special use permit, as provided in this Act, which shall be obtainable on payment of a fee to be fixed by the Arizona game and fish commission, but not to exceed \$2.

(b) A person having in his possession a valid Arizona fishing license must have a California Colorado River special use permit to legally fish the waters described in subsection (a). A person having in his possession a valid California angling license must have an Arizona Colorado River special use permit to legally fish the waters described above. Such special use permit when accompanied by the proper license will allow the holder to fish in any portion of said waters and permit him to enter the waters from any point.

(c) Shore-line fishing does not require a Colorado River special use permit as long as the fisherman remains on the shore and does not embark on the water.

Section 57-115c: Sale of Special Use Permits; Accounting: (a) The Arizona Game and Fish Commission may handle California Colorado River special use permits, issue them to Arizona license dealers and prior to March 1 of each year shall make an audit report together with remittance to the California Department of Fish and Game covering permit sales.

(b) The California Department of Fish and Game may handle Arizona special use permits and issue them to California license dealers, if prior to August 31 of each year it will make an audit report and remittance to the Arizona Game and Fish Commission covering permit sales.

Section 57-115d: Sale of Special Use Permits: Arizona Colorado River special use permits may be obtained from California license dealers under the supervision of the California Department of Fish and Game, and the California Colorado River special use permits may be obtained from Arizona license dealers under the supervision of the Arizona Game and Fish Commission.

Section 57-115e: Period of Validity of Special Permits: Arizona Colorado River special use permits shall be valid from January 1-December 31, inclusive, of each year to coincide with California angling licenses. California Colorado River special use permits will be valid from July 1 to June 30, inclusive, of each year to coincide with Arizona fishing licenses.

Section 57-115f: Effective Date: The provisions of this Act shall become operative when the Arizona Game and Fish Commission finds that under the laws of the state of California substantially similar licenses and permits are authorized to be issued to licensees of the state of Arizona upon substantially the same terms and conditions as are provided for in this Act as to the issuance of licenses and permits to licensees of the state of California. *Approved by the governor, February 27, 1954*

Chapter 30 (Senate Bill 126) [quoted here in its entirety]

An Act: Making an Appropriation to the Governor for the Control of Grasshoppers and Other Insects

Be it Enacted by the Legislature of the State of Arizona

Section 1: Appropriation: The sum of \$50,000 is appropriated to the governor, for the purpose of defraying the cost of controlling such infestations of grasshoppers and other insects in

the agricultural and grazing areas as are deemed by the governor to be a menace to the welfare of the state.

Section 2: Contingency: (a) The appropriation made under the provisions of Section 1 is contingent upon: 1. the matching of the same by the United States or any agency thereof and the owner of the land to be treated, on the basis of one-third each, which sums when added to the state's contribution of the one-third shall constitute the expendable fund, or, 2. in the event federal matching funds are not made available the matching shall be one-half of the owner of the land one-half by that state from fund provided by this Act.

(b) The supplying of poison and other materials, payment of wages or salaries of personnel, or any combination of such contributions, for the purpose of carrying out the provisions of this Act shall, to the extent of the value of such contributions, be accepted in place of a cash contribution. The appropriation provided for in this Act is exempt from the provisions of sections 10-925 and 10-930, Arizona Code of 1939, relating to quarterly allotments and lapsing appropriations, respectively.

Section 3: Emergency: To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law. *Approved by the governor, March 17, 1954*

Chapter 56 (Senate Bill 67) [quoted here in its entirety]

An Act: Relating to Fish and Game; Authorizing Sale of Surplus Products of Federal Aid Fish and Wildlife Projects; Providing for a Special Fund and use of the Proceeds, and Amending Article 3, Chapter 57, Arizona Code of 1939, by Adding Section 57-306a

Be it Enacted by the Legislature of the State of Arizona:

Section 1 amended Article 3, Chapter 57, Arizona Code of 1939 by adding Section 57-306a:

Section 57-306a: Sale of Surplus Products and Use of Proceeds: The Arizona Game and Fish Commission is authorized to sell surplus products of federal aid fish and wildlife projects. The proceeds of such sales shall be placed in a special fund to be known as the Federal Aid Fish and Wildlife Projects' Maintenance Fund and may be used by the commission for maintenance of federal aid fish and wildlife projects wherever located in the state. *Approved by the governor, March 24, 1954*

Chapter 110 (House Bill 289) [quoted here in its entirety]

An Act: Making an Appropriation to the Arizona Game and Fish Commission to Reimburse Dealers for Overpayments on License Sales

Be it Enacted by the Legislature of the State of Arizona:

Section 1: Appropriation: The sum of \$902.98 is appropriated to the Arizona Game and Fish Commission out of the state game and fish fund.

Section 2: Purpose and Authority to Pay: The purpose for which this appropriation is made is to provide funds to reimburse license dealers for overpayments on license sales made during the period 1944-53. The Game and Fish Commission is authorized and directed to make the reimbursements in the amounts shown on its records to be due and unpaid. *Approved by the governor, April 7, 1954*

Chapter 125 (House Bill 227)

An Act: Adopting the Palo Verde (*Genera Cercidium*) as the State Tree

Be it Enacted by the Legislature of the State of Arizona:

Section 1: State Tree: The Palo Verde (*Genera cercidium*) shall be the state tree of Arizona. *Approved by the governor, April 9, 1954*

The Second Regular Session of the Twenty-first Legislature also authorized an annual appropriation for the Arizona Game and Fish Commission, thus providing the department with its first one-year budget of more than \$1,000,000.

Subdivision 78, Arizona Game and Fish Commission, Appropriations Bill

From the Arizona Game and Fish Protection Fund the following is appropriated:

| | | |
|-------------------|-----------------------------------------------------------------------------------|----------------------------|
| Personal Services | | |
| | Administration | \$ 71,990.00 |
| | Law Enforcement | 164,920.00 |
| | Game Management | |
| | Predator Control | *24,500.00 |
| | Other Personal Services | 12,800.00 |
| | Total Game Management and Predator Control | 37,300.00 |
| | Information and Education | 14,160.00 |
| | Fisheries | 93,355.00 |
| | Employers' Contribution for Old Age and Survivors' Insurance and State Retirement | <u>20,995.00</u> |
| | Total Personal Services | \$ 402,720.00 |
| | | |
| | Travel—State | \$ 67,030.00 |
| | Travel—Out-of-State | 2,000.00 |
| | Fish Food | 70,000.00 |
| | Other Current Expenditures | 135,230.00 |
| | Subscriptions and Organization Dues, Rent Payable to the State of Arizona | 6,000.00 |
| | Fixed Charges | 9,100.00 |
| | Capital Outlay | |
| | Equipment | 62,355.00 |
| | Projects | <u>235,000.00</u> |
| | <i>Total Capital Outlay</i> | \$ 297,325.00 |
| | | |
| | Dingell-Johnson Act for Fish Restoration | **\$ 30,000.00 |
| | Pittman-Robertson Act for Wildlife Restor. | ***95,000.00 |
| | Cooperative Wildlife Research Unit | <u>6,000.00</u> |
| | | |
| | Total Appropriation | ****\$ 1,120,780.00 |

*This appropriation is made to enable the state to cooperate with the Federal Wildlife Department for the eradication of predator animals.

**This appropriation is made to enable the state to carry out the provisions of Public Law 681, Eighty First Congress, providing for cooperation with the states in fish restoration and management projects.

***This appropriation is made to enable the state to cooperate with the federal government for the preservation of wildlife restoration.

****This appropriation is exempt from the provisions of section 10-925, Arizona Code of 1939, as amended, relating to quarterly allotments.

TWENTY-SECOND LEGISLATURE, 1955

Chapter 70 (Senate Bill 150) [quoted here in its entirety]

An Act: For an Appropriation with the Purpose of Establishing an Operating Fund for the Trapping and Transplanting of Bighorn Sheep

Be it Enacted by the Legislature of the State of Arizona:

Section 1: Appropriation: The sum of \$40,000 is appropriated to the Arizona Game and Fish Commission from the money now in the Arizona Game and Fish Protection Fund to establish an operating fund for the trapping and transplanting of bighorn sheep. This appropriation shall not be encumbered or expended until the contract as authorized in Section 3 has been signed by the proper persons.

Section 2: Purpose: The purpose of said appropriation is for the financing of a bighorn sheep trapping project in Southwestern Arizona in cooperation with the Texas Game and Fish Commission, the US Fish and Wildlife Service, the Wildlife Management Institute, and the Boone and Crockett Club. The captured sheep will be used to restock suitable unoccupied areas in Texas and Arizona.

Section 3: Contract for Reimbursement: (a) The chairman of the Arizona Game and Fish Commission with the approval of the Attorney General of the state of Arizona, is authorized to contract with the authorized agent of the Texas Game and Fish Commission for reimbursement of funds expended pursuant to this Act. The contract shall provide that funds expended shall be reimbursed completely by the Texas game and fish commission, with payments to be made periodically as expenses are incurred.

(b) Funds paid as reimbursement of moneys spent from the above fund shall be deposited in the State Game and Fish Protection Fund.

Section 4: Exemption: This Act shall be exempt from the provisions of Section 10-930, Arizona Code of 1939, relating to lapsing appropriations, and shall remain available until June 30, 1957, or until trapping operations are completed, whichever comes sooner.

Section 5: Emergency: To preserve the public peace, health and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law. *Approved by the governor, March 23, 1955*

Appropriations Bill: This legislature also authorized an annual appropriation in Subdivision 77 for the Arizona Game and Fish Commission.

From the Arizona Game and Fish Protection Fund the following is appropriated:

| | | |
|-------------------|--------------------------------------------|-------------------|
| Personal Services | | |
| | Administration | \$ 81,000.00 |
| | Law Enforcement | 170,500.00 |
| | Game Management | |
| | Predator Control | *18,620.00 |
| | Other Personal Services | 15,900.00 |
| | Total Game Management and Predator Control | 34,520.00 |
| | Information and Education | 22,280.00 |
| | Fisheries | <u>107,060.00</u> |

| | | |
|--|-----------------------------------------------------------------------------------|----------------------------|
| | Employers' Contribution for Old Age and Survivors' Insurance and State Retirement | 22,844.00 |
| | Total Personal Services | \$ 438,204.00 |
| | | |
| | Travel—State | \$ 96,060.00 |
| | Travel—Out-of-State | 4,000.00 |
| | Subscriptions and Organization Dues | 375.00 |
| | Professional Fees | 1,500.00 |
| | Lake and Stream Control | 5,000.00 |
| | Other Current Expenditures | 219,332.00 |
| | Capital Outlay | |
| | Equipment | 46,226.00 |
| | Maintenance and Development | 155,850.00 |
| | <i>Total Capital Outlay</i> | \$ 202,076.00 |
| | | |
| | Dingell-Johnson Act for Fish Restoration | **\$ 35,000.00 |
| | Pittman-Robertson Act for Wildlife Restor. | ***90,000.00 |
| | Cooperative Wildlife Research Unit | 6,000.00 |
| | | |
| | Total Appropriation | ****\$ 1,107,447.00 |

*This appropriation is made to enable the state to cooperate with the Federal Wildlife Department for the eradication of predator animals.

**This appropriation is made to enable the state to carry out the provisions of Public Law 681, Eighty-first Congress, providing for cooperation with the states in Fish Restoration and Management Projects.

***This appropriation is made to enable the state to cooperate with the Federal Government for the preservation of wildlife restoration.

****This appropriation is exempt from the provisions of Section 10-925, Arizona Code of 1939, as amended, relating to quarterly allotments.

Chapter 82 (Senate Bill 77). This housekeeping bill allowed the Arizona Game and Fish Department to cooperate with the Bureau of Reclamation and have access to certain federal reclamation lands. *Approved March 26, 1955*

Chapter 97 (Senate Bill 171): This law established penalties for game and fish violations and prescribed license revoking procedures. *Approved March 28, 1955*

TWENTY-SECOND LEGISLATURE, SECOND REGULAR SESSION 1956–57

Chapter 50 (Senate Bill 85)

An Act: Relating to Fish and Game; Providing for Investment of Surplus Funds From State Game and Fish Protection Fund, and Amending Article 4, Chapter 2, Title 17, Arizona Revised Statutes, by Adding Section 17-261.01

This housekeeping legislation allowed the department to invest its monies for up to three months at a time, so that interest could be accrued into the State Game and Fish Protection Fund.
Approved March 30, 1956

Chapter 77 (Senate Bill 85) Making an Appropriation from the State Game and Fish Protection Fund for the Relief of Ralph A. Blair

This legislation authorized the payment of \$612.50 to reimburse Mr. Blair for his improvements on state land taken by the Arizona Game and Fish Commission, as no funds were available to pay this claim within the budget authorized by the previous legislature. *Approved as an emergency measure*

Chapter 80 (Senate Bill 138) Making an Appropriation from the Game and Fish Protection Fund for the Relief of Arizona Airmotive, Inc.

This legislation authorized the payment of \$25.98 to reimburse Arizona Airmotive, Inc.
Approved by the governor April 9, 1956

Chapter 99 (House Bill 72) This bill created an Arizona State Parks Board, State Parks Department, State Parks Director, budget, etc. *Approved March 25, 1957*

Chapter 123 (House Bill 25)

An Act: Relating to Game and Fish; Prescribing Compensation and Expenses of Members of Game and Fish Commission, and Amending Section 17-201, Arizona Revised Statutes

Section 1 amended Section 17-201, Arizona Revised Statutes to read:

Section 17-201: Game and Fish Commission; Members; Meetings: (a) The laws of the state relating to fish and game shall be administered by the Arizona Game and Fish Commission which shall consist of five members, appointed by the governor with the advice and consent of the Senate. Not more than three members shall be members of the same political party, and all members shall be residents of different counties. Members shall be well informed on the subject of wild life and requirements for its conservation. Incumbent members shall serve for the remainder of the respective terms for which they were appointed. Upon the expiration of terms of the present incumbents, all appointments shall be for a term of five years, but an appointment to fill a vacancy shall be for the unexpired portion of the term.

(b) The governor, may, after hearing, remove a member for inefficiency, neglect of duty or misconduct in office. Upon removal of a member the governor shall file in the office of the secretary of state a complete statement of all charges made against the members and his findings thereon, together with a complete record of the proceedings.

(c) Each member of the commission while attending general or specific meetings of the commission or while performing official duties for the commission shall receive a per diem of fifteen dollars plus necessary travel and other expenses as provided by law for state officers. A commission member who is otherwise employed as a public officer shall not receive such payment if it is prohibited by law. Compensation and expenses shall be paid monthly from the game and fish fund.

(d) Members shall qualify by giving bond to the state in the principal amount of five thousand dollars, conditioned upon faithful performance of their duties. Premiums on the bonds shall be paid from the game and fish fund.

(e) The commission shall have its principal office at the state capital but meetings may be held at any time or place within the state. The commission shall meet at least once quarterly. Meetings may be held at the call of the chairman or majority of the commission. A majority of the commission shall constitute a quorum to transact business.

Approved April 12, 1956

Appropriations Bill: This legislature also authorized an annual appropriation in Subdivision 80 for the Arizona Game and Fish Commission.

From the Arizona Game and Fish Protection Fund the following is appropriated:

| | | |
|-------------------|-----------------------------------------------------------------------------------|----------------------------|
| Personal Services | | |
| | Administration | \$ 81,330.00 |
| | Law Enforcement | 177,160.00 |
| | Game Management | |
| | Predator Control | *19,320.00 |
| | Other Personal Services | <u>15,320.00</u> |
| | Total Game Management and Predator Control | 34,520.00 |
| | Information and Education | 22,570.00 |
| | Fisheries | <u>115,320.00</u> |
| | Total Personal Services | \$ 431,020.00 |
| | | |
| | Travel—State | \$ 100,000.00 |
| | Travel—Out-of-State | 5,000.00 |
| | Subscriptions and Organization Dues | 375.00 |
| | Professional Fees | 1,500.00 |
| | Employers’ Contribution for Old Age and Survivors’ Insurance and State Retirement | 23,706.00 |
| | Other Current Fixed Charges | 9,900.00 |
| | Lake and Stream Control | 5,000.00 |
| | Other Current Expenditures | 240,900.00 |
| | Capital Outlay | |
| | Equipment | 50,000.00 |
| | Maintenance and Development | <u>200,000.00</u> |
| | <i>Total Capital Outlay</i> | \$ 250,000.00 |
| | | |
| | Dingell-Johnson Act for Fish Restoration | **\$ 40,000.00 |
| | Pittman-Robertson Act for Wildlife Restor. | ***110,000.00 |
| | Cooperative Wildlife Research Unit | <u>6,000.00</u> |
| | | |
| | Total Appropriation | ****\$ 1,223,401.00 |

*This appropriation is made to enable the state to cooperate with the Federal Wildlife Department for the eradication of predatory animals.

**This appropriation is made to enable the state to carry out the provisions of Public Law 681, Eighty-first Congress, providing for cooperation with the state in Fish Restoration and Management Projects.

***This appropriation is made to enable the state to cooperate with the Federal Government for the preservation of wildlife restoration.

****This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

TWENTY-THIRD LEGISLATURE, SECOND REGULAR SESSION, 1958

Chapter 11 (Senate Bill 40)

An Act: Making an Appropriation to the Livestock Sanitary Board for the Relief of Lion Bounty Claimants

This housekeeping legislation appropriated \$975 to pay bounties that had gone unpaid in the 1956–57 fiscal year due to insufficient funds.

Chapter 80 (Senate Bill 91)

An Act: Relating to Game and Fish; Providing for Revision of Game and Fish Laws; Prescribing Penalties; Repealing and Re-Enacting Chapters 1 to 4 Inclusive, Title 17, Arizona Revised Statutes, and Making an Appropriation

ARTICLE 1. Chapters 1 to 4 inclusive, title 17, Arizona Revised Statutes, are repealed.

17-201: Game and Fish Department and Game and Fish Commission Members; Appointment; Removal:

ARTICLE 1. COMMISSION, MEETINGS

A. The laws of the state relating to wildlife shall be administered by the game and fish department. Control of the department is vested in the game and fish commission. The commission shall consist of five members, appointed by the governor with the advice and consent of the senate. Not more than three members shall be members of the same political party, and all members shall be residents of different counties. Members shall be well informed on the subject of wildlife and requirements for its conservation. Appointments shall be for a term of five years, but an appointment to fill a vacancy shall be for the unexpired portion of a term.

B. The governor may, after public hearing, remove a member for inefficiency, neglect of duty or misconduct in office. Upon removal of a member the governor shall file in the office of the secretary of state a complete statement of all charges made against the members and his findings thereon, together with a complete record of the proceedings.

C. Each member of the commission while attending general or specific meetings of the commission or while performing official duties for the commission shall receive a per diem of fifteen dollars plus necessary travel and other expenses as provided by law for state officers. A commission member who is otherwise employed as a public officer shall not receive such payment if it is prohibited by law. Compensation and expenses shall be paid monthly from the game and fish fund.

D. Members shall qualify by giving bond to the state in the principal amount of five thousand dollars, conditioned upon faithful performance of their duties. Premiums on the bonds shall be paid from the game and fish fund.

E. The commission shall have its principal office at the state capital but meetings may be held at any time or place within the state. The commission shall meet at least once quarterly. Meetings may be held at the call of the chairman or majority of the commission. A majority of the commission shall constitute a quorum to transact business.

ARTICLE 2. DIRECTOR AND EMPLOYEES

17-211: Director; Selection; Removal; Powers and Duties; Employees:

A. The commission shall appoint a director of the Arizona game and fish department, who shall be the chief administrative officer of the game and fish department, and shall fix his annual salary at not to exceed ten thousand five hundred dollars. The director shall be selected on the basis of administrative ability and general knowledge of wildlife management. The director

shall act as secretary to the commission, and shall serve for a term of five years, but he may be removed by the commission, after public hearing, for inefficiency, neglect of duty or misconduct in office. If the director is removed, the commission shall make, in its minutes, a complete statement of the proceedings and all charges made against the director, and its findings thereon. The director shall not hold any other office, and shall devote his entire time to the duties of his office.

B. The commission shall prepare an examination for the post of director to comply with the requirements of this title. The examination shall be conducted at the offices of the commission at the capital to establish an active list of eligible applicants. The director shall be selected from those scoring satisfactory grades and having other qualities deemed advisable by the commission, and the commission may call for additional examinations from time to time for selection of a new list of eligible applicants to fill a vacancy.

C. The director may appoint employees necessary to carry out the purposes of this title, when funds for the payment of their salaries are appropriated. Department employees shall be located in different sections of the state where their services are most needed. All appointments must be made in accordance with procedures, salary grades and qualifications established by the commission. The director may dismiss an employee for inefficiency, neglect of duty or misconduct. Such employee shall be entitled to an appeal before the commission after filing a written request for a hearing within thirty days after date of discharge. The director shall file in the department office a complete statement of charges made against the employee and the findings thereon after such written request is received. If the employee fails to file such request within the thirty-day period his rights to appeal are waived and the action of the director shall be final.

D. The director and department personnel shall be paid their actual and necessary subsistence and traveling expenses as the commission may prescribe, but such expenses shall not exceed those prescribed by law for other state employees.

E. The director shall have general supervision and control of all activities, functions and employees of the department and shall enforce all provisions of this title, including all commission rules and regulations. Game rangers and wildlife managers may, in addition to other duties:

1. Execute all warrants issued for a violation of this title.
2. Execute subpoenas issued in any matter arising under this title.
3. Search without warrant any aircraft, boat, vehicle, box, game bag or other package where there is sufficient cause to believe that wildlife or parts thereof is possessed in violation of law.
4. Inspect all wildlife taken or transported and seize all wildlife taken or possessed in violation of law, or showing evidence of illegal taking.
5. Seize as evidence devices used illegally in taking wildlife and hold them subject to provisions of section 17-240.
6. Generally exercise the powers of peace officers with primary duties the enforcement of this title.
7. Seize devices that cannot be lawfully used for the taking of wildlife and are being so used and hold and dispose of same pursuant to section 17-240.

17-212: Bonds of Director and Employees; Premiums:

A. The director shall execute and deliver to the state a bond in the principal amount of ten thousand dollars and each enforcement officer except special officers serving without pay, shall

execute and deliver to the state a bond in the principal amount of two thousand dollars conditioned on faithful performance of their duties. All other employees of the department who handle funds or are in charge of property owned by the state or are authorized to expend funds of the department shall execute bonds for the principal amounts and conditions as the commission directs.

B. Premiums for the bonds shall be paid from the game and fish fund.

17-213: Prohibition on Political Activity: Neither the director nor any employee of the department shall take active part in a political campaign nor use his office to influence in any way an election or the results thereof. Failure to abide by the provisions of this section shall constitute grounds for dismissal of the director or any employee.

ARTICLE 3. POWERS AND DUTIES

17-231: General Powers and Duties of the Commission:

A. The commission shall:

1. Make rules and regulations and establish services it deems necessary to carry out the provisions and purposes of this title.
2. Establish broad policies and long range programs for
3. Establish hunting and fishing regulations and prescribe the manner and methods which may be used in taking wildlife.
4. Be responsible for the enforcement of laws for the protection of wildlife.
5. Prescribe grades, qualifications and salary schedules for department employees.
6. Provide for the assembling and distribution of information to the public relating to wildlife and activities of the department.
7. Prescribe rules and regulations for the expenditure, by or under the control of the director, of all funds arising from appropriation, licenses, gifts or other sources specifically provided for the preservation or propagation of wildlife.
8. Exercise such powers and duties necessary to carry out fully the provisions of this Title and in general exercise powers and duties which relate to adopting and carrying out policies of the department and control of its financial affairs.

B. The commission may:

1. Conduct investigations, inquiries or hearings in the performance of its powers and duties.
2. Establish game management units or refuges for the preservation and management of wildlife.
3. Construct and operate game farms, fish hatcheries, fishing lakes, or other facilities for or relating to the preservation or propagation of wildlife.
4. Expend funds to provide training in the safe handling and use of firearms and safe hunting practices.
5. Remove or permit to be removed from public or private waters fish which hinder or prevent propagation of game or food fish, and fish so taken may be disposed of in such manner as it may designate.
6. Purchase, sell or barter wildlife for the purpose of stocking public or private lands and waters, and may take at any time in any manner wildlife for research, propagation and restocking purposes, or for use at a game farm or fish hatchery.
7. Enter into agreements with the federal government, other states or political subdivisions of the state, and with private organizations for the construction and operation of facilities, and for management studies, measures, or procedures for or

relating to the preservation and propagation of wildlife, and expend funds for carrying out such agreements.

17-232: Agreements With Other States for Reciprocal Use of Licenses: The commission, subject to the approval of the governor and the attorney general, is authorized to enter into reciprocal agreements with corresponding state or county agencies of adjoining states pertaining to the establishment of a basis whereby licenses or permits issued by either of the parties may be used by the licensees within the jurisdiction of either party to the agreement.

17-233: Acquisition and Disposition of Buffalo and Buffalo Meat: The commission may purchase, sell, barter, or give away buffalo or buffalo meat provided the same may be given only to public institutions or charitable institutions and monies derived therefrom shall be deposited in the game and fish fund.

17-234: Open or Closed Seasons; Bag Limits; Possession Limits: The commission shall by order open, close or alter seasons and establish bag and possession limits for wildlife, but a commission order to open a season shall be issued not less than ten days prior to such opening date. The order may apply statewide or to any portion of the state. Closed season shall be in effect unless opened by commission order.

17-235: Migratory Birds: The commission shall prescribe seasons, bag limits, possession limits and other regulations pertaining to taking migratory birds in accordance with the migratory bird treaty act and regulations issued thereunder, but the commission may shorten or modify seasons, bag and possession limits and other regulations on migratory birds as it deems necessary.

17-236: Killing Song or Insectivorous Birds: It is unlawful for a person to take or injure any song or insectivorous bird, or rob the nests or eggs of birds protected by the laws of this state, or to molest, harass or annoy such birds upon their nests, but nothing in this title shall be construed to prohibit the taking of such birds for scientific purposes under permits issued by the commission.

17-237: Pollution of Waters: The commission is authorized to bring suit in the name of the state against any person, corporation, or government agency, to restrain or enjoin the person, corporation, or government agency from discharging or dumping into a stream or body of water in the state any deleterious substance which is injurious to wildlife.

17-238: Special Licenses for Field Trials, Shooting Preserves, and for Collecting or Holding Wildlife in Captivity:

A. The commission may adopt rules and regulations and issue licenses for the conduct of field trials, shooting preserves, private wildlife farms and zoos, or for the personal use of wildlife so as to safeguard the interests of the wildlife of the state.

B. The commission, at its discretion and under such regulations as it deems necessary, may issue a permit to take wildlife for scientific purposes to any person or duly accredited representative of public educational or scientific institutions, or governmental departments of the United States engaged in the scientific study of wildlife.

C. A person holding a permit issued pursuant to this section may, upon advance approval by the commission, buy, sell and transport wild life legally possessed. Each person receiving a permit under this section shall file with the department within fifteen days after requested by the department a report of his activities under the permit. The commission may revoke such licenses or permits for noncompliance with regulations.

17-239: Wildlife Depredations; Investigations; Corrective Measures; Disposal; Reports

A. Any person suffering property damage from wildlife may exercise all reasonable measures to alleviate such damage except that reasonable measures shall not include injuring or killing game mammals or game birds.

B. Any person suffering such property damage may, after resorting to such relief as is provided in subsection A, file a written report with the director, advising him of the damage suffered, and the species of animals causing such damage, and the director shall forthwith order an investigation and report by an employee trained in the handling of wild animal depredation.

C. The department shall provide technical advice and assist in the necessary anti-depredation measures recommended in the report.

D. If removal of animals is found to be necessary to relieve damage, the commission may establish special seasons, special bag limits, and either set reduced fees or waive any or all license fees required by this act, to crop such wildlife, or the department may trap or capture such animals for removal. If the commission determines that such cropping by hunters is impractical, it may issue a special permit for taking such wildlife to the land owner suffering damage, provided that the edible portions of all such wildlife taken by the person suffering damage is turned over to an agent of the department for delivery to a public institution or charitable organization.

E. In the event any person suffering property damage from wildlife is dissatisfied with the decision of the commission, he shall have the right of appeal to the superior court under the provisions of the administrative review act.

17-240: Disposition of Wildlife; Devices; Unlawful Devices; Notice of Intention to Destroy; Waiting Period; Destruction; Jurisdiction Of Recovery Actions; Sale of Unclaimed Property:

A. Wildlife seized under this title may be disposed of in such manner as the commission or the court may prescribe, except that the edible portions shall be given to public institutions or charitable organizations.

B. Devices, excepting firearms, which cannot be used lawfully for the taking of wildlife and being so used at the time seized may be destroyed. Notice of intention to destroy such devices as prescribed in this section must be sent by registered mail to the last known address of the person from whom seized if known and posted in three conspicuous places within the county wherein seized, two of said notices being posted in the customary place for posting public notices about the county courthouse of said county. Such device shall be held by the department for thirty days after such posting and mailing, and if no action is commenced to recover possession of such device within such time, the same shall be summarily destroyed by the department, or if such device shall be held by the court in any such action to have been used for the taking of wildlife, then such device shall be summarily destroyed by the department immediately after the decision of the court has become final. The justice court shall have jurisdiction of any such actions or proceedings commenced to recover the possession of such devices.

C. Devices other than those referred to in subsection B, including firearms seized under this title shall, after final disposition of the case, be returned to the person from whom the device was seized. If the person from whom the device was seized cannot be located or ascertained, the device seized shall be retained by the department at least thirty days after final disposition of case, and all devices so held by the department shall be sold biannually at public auction. If no complaint is filed the device shall be returned to the person from whom seized within thirty days from the date seized.

D. A complete report of all wildlife and devices seized by the department showing a description of the items, the person from whom it was seized, if known, and a record of the disposition shall be kept by the department. The money derived from the sale of any devices shall be deposited in the game and fish fund.

17-241: Acquisition and Disposition of Lands and Waters:

A. The commission, in the name of the state, with the approval of the governor may:

1. Acquire by purchase, lease, exchange, gift or condemnation lands for use as fish hatcheries, game farms, firing ranges, reservoir sites or rights of way to fishing waters.
2. Acquire by purchase, lease, exchange or gift lands or waters for use as fish hatcheries, game farms, shooting areas, firing ranges or other purposes necessary to carry out the provisions of this title.
3. Acquire by condemnation waters for use as fish hatcheries. The acquisition of land acquired by condemnation shall be limited to a maximum of one hundred sixty acres unless first approved by the legislature.

B. The commission may, with approval of the governor and state land commissioner, lease, sublease, exchange, or sell, in the name of the state, any land acquired by gift, purchase, lease, exchange, or other method.

C. Notwithstanding any other provision of law, the sale or transfer of any lands under the provisions of this section shall be subject to a reservation to the state of all mineral rights and may be subject to the right of entry thereon by the public for hunting and fishing purposes.

D. Money derived from a sale or lease shall be deposited in the game and fish fund.

17-242: Guaranteeing Irrigation District Assessment; Sale of Land Located Within Federal Reclamation Projects and Irrigation Districts:

A. The commission, by and with the approval of the governor and state land commissioner, may make contracts with irrigation districts in the name of the state to guarantee the payment of and to pay to the irrigation district the full amount of district assessments or charges against land owned by the game and fish commission located within a federal reclamation project, or an irrigation district which is served wholly or in part by such federal reclamation project, at any time such assessments or charges become delinquent.

B. If the commission sells any of the land referred to in subsection A, it shall require at least one-fourth of the sale price to be paid at the time of sale and the balance payable in not less than twenty years. The contract of sale or other document of sale shall require that the purchaser pay such irrigation district assessments or charges before delinquency and that failure to do so shall constitute a breach of the terms of sale. If a purchaser defaults in the payment of such irrigation district assessments or charges and the interest of the purchaser in such land is terminated, the subsequent purchaser shall pay to the commission as reimbursement the full amount of delinquent assessments due upon such land.

C. The contract or other document of sale shall also require that if the purchaser defaults upon any term or condition of the sale and does not remedy the default within six months, the irrigation district may perform or remedy the default of the purchaser. When the irrigation district cures the default in the terms of sale, the interest of the purchaser shall be cancelled and his interest in such land shall be transferred to the irrigation district subject to the contract of sale.

D. Nothing in this section shall be construed as creating any lien upon state lands or against the interest of the state therein, or as creating any obligation of the state to pay any

charges, assessments or debts incurred by any districts other than those described in this section.

17-243: Sale of Surplus Products of Federal Aid Projects; Disposition of Proceeds:

The commission may sell surplus products of federal aid wildlife projects. The proceeds of such sale shall be placed in a special game and fish fund to be known as the federal aid wildlife projects maintenance fund and may be used by the commission for maintenance of federal aid projects wherever located in the state.

17-244: Bulletin; Refuge Signboards; Posted Lands:

A. A hunting and fishing bulletin shall be available through all license dealers and at such places as the commission may designate.

B. Notices or signboards shall be of a size not less than eight by eleven inches and as many of the notices or signboards shall be posted as the commission determines necessary to give public notice of the location of the boundaries of the closed area. The notices or signboards shall be removed immediately upon the reopening of such closed area.

17-245: Game Management Units or Refuges; Establishment: In the establishment of game management units or refuges the commission shall describe such areas by commission order and shall file copies of the order with the county recorder of the county or counties in which such area is located. One copy of each order shall be kept on file in the Phoenix office of the commission.

ARTICLE 4. FISCAL PROVISIONS

17-261: Game and Fish Fund: The department shall on or before the fifth day of each month pay to the state treasurer the money received from licenses or from any other source under this title, and the state treasurer shall deposit the money in a special fund to be known as the game and fish fund which is set aside, appropriated and made available to the commission in carrying out the provisions of this title, and such funds shall be used for no other purpose. Expenditures of such funds shall be under control of the budget laws of the state, and no money shall be expended from such funds except:

1. By the annual budget and to match federal grants for wildlife restoration as provided for by the legislature.
2. For emergency purposes not to exceed twenty-five thousand dollars in anyone fiscal year when authorized by the governor and state auditor.

17-262: Investment of Surplus Funds: Whenever the commission determines that a portion of the money in the game and fish fund is not required to be used for a period of three months the commission may, with the advice of the state treasurer, invest such money in readily negotiable interest bearing United States treasury bonds, notes, bills, or certificates of indebtedness having a maturity of thirteen months or less from the date of purchase. All interest earned shall be credited to the game and fish fund.

17-263: Membership Dues: The department may expend funds for membership dues in organizations dealing directly with fish and game management in the United States.

7-264: Budget Appropriation: The legislature shall, in its general appropriation measure and in accordance with the budget laws of the state, make an appropriation for the operation of the commission and department, the appropriation to be payable from game and fish funds.

17-265: Game And Fish Federal Reclamation Trust Fund: There shall be a game and fish federal reclamation trust fund which shall be held by the state treasurer. All payments made by the commission for the assessments or charges referred to in section 17-242, and all payments

received by it as reimbursement therefor, shall be drawn from and credited to the trust fund. The funds shall not revert to the general fund and shall not be subject to chapter 1 of title 35.

17-266: Construction, Reconstruction, Purchase of Equipment, Materials and Supplies; Bids; Exemption:

A. Notwithstanding the provisions of section 34-201, the department may, without calling for bids, expend:

1. For an item of construction or reconstruction, not to exceed fifteen thousand dollars, in addition to any funds heretofore expended on any such item.
2. For purchase of equipment, not to exceed ten thousand dollars.
3. For purchase of supplies, or materials, not to exceed two thousand five hundred dollars.

B. The commission shall call for bids on all items of construction or reconstruction and purchases of equipment, materials or supplies which exceed the amounts respectively provided in subsection A, and the bids shall be called in the manner provided in subsection A of section 34-201. Should a bid satisfactory to the commission be received, it may let a contract to the lowest responsible bidder conditioned upon the contractor further qualifying as provided by law. If the bids received are not satisfactory a second call shall be made. If the bids are again rejected by the commission, it may construct or reconstruct the item or purchase, the equipment, supplies or material, in such manner as it may deem most advantageous to the state.

C. Bids shall be called for by advertising in a newspaper of general circulation published within the state. If the call for bids is made in a weekly newspaper, publication shall be for two consecutive insertions one week apart. If the call for bids is made in a daily newspaper, publication shall be made by two insertions made not less than six or more than ten days apart.

TAKING AND HANDLING OF WILDLIFE

ARTICLE 1. GENERAL REGULATIONS

17-301: Times When Wildlife May be Taken; Methods of Taking:

A. Wildlife, except fish and bullfrogs, shall be taken only during daylight hours unless otherwise prescribed by the commission. No person shall take or attempt to take any species of wildlife by the aid or with the use of a jacklight, other artificial light, or illegal device, except as provided by commission order, nor shall any person use protected wildlife or any edible part thereof as bait in taking any animal.

B. Wildlife, except fish and bullfrogs, shall not be taken from a vehicle, automobile, aircraft, train, powerboat, sailboat, boat under sail, or a floating object towed by powerboat or sailboat, nor shall a person shoot from a vehicle or otherwise wantonly or wilfully discharge any firearm upon, from, across or into a road or railway.

C. Fish may be taken only by angling unless otherwise provided by the commission. The line shall be constantly attended. In every case the hook, fly or lure shall be used in such manner that the fish voluntarily take or attempt to take it in their mouths.

17-302: Taking of Stock-Killing Bear; Report:

A. A landowner or lessee, who is a livestock operator, may authorize the taking of stock-killing bear.

B. Within ten days after the taking of such a bear, the landowner or lessee shall report to the department stating the location where the bear was taken and the number and kind of stock killed.

C. No portion of a bear taken pursuant to this section shall be retained by any person.

17-303: Taking or Driving Wildlife From Closed Areas: It is unlawful for any person, except by commission order, to enter upon a game refuge or other area closed to hunting and take, drive or attempt to drive wildlife from such areas.

17-304: Prohibition by Landowner Upon Hunting; Posting; Exception: Landowners or lessees of private land desiring to prohibit hunting or shooting on their lands shall post such lands, using a notice or signboard not less than eight inches by eleven inches with the wording plainly legible.

State or federal lands including those under lease may not be posted except by consent of the commission. The notices or signboards shall be located where they will be most conspicuous and at intervals of not more than one quarter mile so as to warn all persons against hunting, fishing or trespassing therein. The entry of any person for the taking of wildlife shall not be grounds for an action for trespassing unless the land has been posted as provided for herein.

17-305: Carrying Firearms or Game-Taking Devices in Closed Areas; Exceptions; Permits:

A. It is unlawful for a person to carry, transport or have in his possession devices for taking game within or upon a game refuge except under seal or by written consent of the commission.

B. This section shall not apply to officers of the law in performance of official duties; nor to persons traversing such refuges or over roads therein carrying unloaded devices.

C. The provisions of this section shall not prohibit a landowner, lessee, permittee, their employees, or licensed trappers from carrying arms while in the performance of their lawful duties.

17-306: Introduction or Liberation of Wildlife: No person shall introduce or liberate any wildlife within the state except as authorized by the commission.

17-307: Possession; Gift and Storage of Wildlife: No person shall buy, sell or offer for sale any species of wildlife except such species as the commission may declare salable in the interest of conservation and those imported or taken from a commercial wildlife breeding or processing establishment. This provision shall not prohibit a person lawfully obtaining protected wildlife from making a gift of it to any person or having it prepared in a public eating place and served to himself and guests or placed in storage in accordance with the provisions of this title.

17-308: Unlawful Camping: It is unlawful for a person to camp within one-fourth mile of a water hole or in an area posted prohibiting camping therein, in such a manner that wildlife or domestic stock will be denied access to the only reasonably available water.

17-309: Violations and Penalties:

A. It is unlawful for a person to:

1. Violate any provision of this title or a rule or regulation prescribed under the provisions of this title.
2. Take, possess, transport, buy, sell, offer or expose for sale wildlife except as expressly permitted by this title.
3. Destroy, injure or molest livestock, growing crops, personal property, notices or signboards, or other improvements while hunting, trapping or fishing.
4. Shoot or attempt to shoot any wildlife within one-fourth mile of an occupied farmhouse or other residence, cabin, lodge or building, without permission of the owner or resident.
5. Take a game bird, game mammal or game fish and wilfully permit an edible portion thereof to go to waste.

6. Take big game with the aid of dogs.
7. Make more than one use of a shipping permit or coupon issued by the commission.
8. Obtain a license during the period for which his license has been revoked.
9. Litter hunting and fishing areas while taking wildlife.
10. Have in possession while hunting any contrivance designed to silence, muffle or minimize the report of a firearm.

B. Unless a different or other penalty or punishment is specifically prescribed a person who violates any provision of this title, or who violates or fails to comply with a lawful order, rule or regulation of the commission, is guilty of a misdemeanor punishable by a fine of not more than three hundred dollars, by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

C. A person who takes, possesses, transports, buys, sells or offers for sale big game species or any part thereof in violation of this title or a lawful rule or regulation of the commission, or who detaches or removes from the carcass of a big game animal a portion thereof and thereby conceals evidence of legality, or who uses an explosive compound or a corrosive, narcotic poison or other deleterious substance for the purpose of taking, stunning or killing fish or birds is guilty of a misdemeanor, punishable by a fine of not more than three hundred dollars, by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

D. A public officer who fails to enforce a lawful rule or regulation of the commission or this title, is guilty of a misdemeanor.

17-310: Agreement to Appear in Court: Game rangers, wildlife managers, and other peace officers may take any person before a magistrate within the county in which an offense is committed for a violation of any provision of this title, but any person apprehended for violating any provision of this title punishable as a misdemeanor may be issued a notice to appear before such magistrate bearing the date, time and place for such appearance, the offense charged, and the location or approximate location where the violation was committed. The notice shall be signed by the person notified to appear, and he shall be given a copy thereof and thereupon may be released from custody. Failure of such person to appear at the time and place specified shall be cause for issuance of a warrant for his arrest for failure to appear.

17-311: Duty to Report Shooting Accident Resulting in Injury or Death; Duty to Give Assistance; Authority of Officers:

A. Any person who, while taking wildlife, is involved in a shooting accident resulting in injury to another person shall render every possible assistance to the injured person, and if the accident is fatal, he shall immediately report the accident to the nearest law enforcement officer available and render such assistance as may be required.

B. Such person shall within ten days file with the department a full and complete written report of such accident.

17-312: Misuse of Firearms:

A. It is unlawful for any person while taking wildlife, or while in any hunting area, to handle or discharge any firearm while intoxicated or in a careless or reckless manner or with wanton disregard for the safety of human life or property.

B. Nothing in this section shall be construed in any way to limit the right of the state to prosecute any person who injures or kills another.

17-313: Disposition of Fines, Forfeitures and Penalties; Reports:

A. Fines, forfeitures and penalties collected for violations of this title shall be paid

immediately by the officer collecting or receiving them to the state treasurer, who shall credit the money to the game and fish fund.

B. The state treasurer shall render a monthly statement to the commission on or before the tenth day of each month showing all monies received and paid by him during the preceding month under the provisions of this title.

C. Each justice of the peace and each clerk of a court of record shall, within twenty days after a judgment has been rendered under the provisions of this title, report in writing to the commission the results of the prosecution, the amount of fines, forfeitures and penalties collected, and disposition thereof.

ARTICLE 2. LICENSES

17-331: License Required: No person, except as provided by this title, or commission order, shall take any wildlife in this state unless at the time of taking he has a valid license therefor on his person and exhibits it upon request for inspection to any game ranger, wildlife manager or peace officer.

17-332. Form and Contents of License; Duplicate Licenses; Period of Validity:

A. Licenses shall be prepared by the department and furnished and charged to dealers authorized to issue licenses. The license shall be issued in the name of the department and countersigned by issuing dealer. Each license shall be signed by the licensee in ink on the face thereof and any license not so signed is invalid. With each license authorizing the taking of big game the department shall provide such tags as the commission may prescribe, which the licensee shall attach to the game animal in such manner as prescribed by the commission.

B. The commission shall issue with each license a shipping permit entitling the holder of the license to a shipment of game or fish as provided by article 4 of this chapter.

C. It shall be unlawful, except as provided by the commission, for any person to apply for and sign as licensee in anyone license year more than one original license permitting the taking of big game species. The dealer who sold the original license or the department may issue a duplicate license provided the person requesting such license furnishes the information deemed necessary. A fee of one dollar shall be collected for each duplicate license issued.

D. No license or permit is transferable, nor shall it be used by anyone except that person to whom such license or permit was issued, and no refunds can be made for the purchase thereof.

E. All licenses issued, except any special licenses issued by the commission and nonresident five-day and pioneer complimentary license, and California-Arizona Colorado river special use stamps, shall be for the license year and shall expire on June 30 following date of issuance.

17-333: Licenses; Classes; Fees:

A. Licenses shall be divided into classes and fees paid therefor as follows:

1. Class A, resident warm water fishing license, one dollar fifty cents; nonresident, five dollars.
2. Class B, resident trout license, two dollars fifty cents; nonresident, ten dollars.
3. Class C, combination resident warm water and trout license, three dollars fifty cents.
4. Class D, nonresident fishing license (five-day warm water only), three dollars.
5. Class E, nonresident fishing license (five-day trout only), five dollars.
6. Class F, Colorado River fishing license, valid for the taking of bullfrogs and all species of fish, nonresident, ten dollars.
7. Class G, combination general hunting and fishing license, valid for the taking of bullfrogs and all species of fish, small game, fur-bearing animals, predatory animals,

- nongame animals, upland game birds and migratory game birds, resident, seven dollars; nonresident, twenty-five dollars.
8. Class H, general hunting license, valid for the taking of small game, fur-bearing animals, predatory animals, nongame animals, upland game birds and migratory game birds, resident, four dollars; nonresident, twenty dollars.
 9. Class I, special season archery license and tag, valid for the taking of wildlife in special archery areas and seasons, nonresident, fifteen dollars.
 10. Class J, special resident bow and arrow license and tag, valid for the taking of wildlife in special archery areas and seasons, three dollars.
 11. Class K, special predator hunting license, valid for the taking of predatory animals, nonresident, five dollars.
 12. Javelina tag, validates Class G or H license for the taking of javelina, resident, one dollar; nonresident, one dollar.
 13. Turkey tag, validates Class G or H license for the taking of turkey, resident, one dollar; nonresident, one dollar.
 14. Bear tag, validates Class G or H license for the taking of bear, resident, one dollar; nonresident, ten dollars.
 15. Deer tag, validates Class G or H license for the taking of deer, resident, one dollar; nonresident, twenty-five dollars.
 16. Antelope tag, validates Class G or H license for the taking of antelope, resident, six dollars; nonresident, thirty-five dollars.
 17. Elk tag, validates Class G or H license for the taking of elk, resident, eleven dollars; nonresident, fifty-five dollars.
 18. Bighorn sheep tag, validates Class G or H license for the taking of bighorn sheep, resident, twenty dollars; nonresident, one hundred twenty-five dollars.
 19. Private fish or game farm license, fifteen dollars.
 20. Commercial rough fish seining license, ten dollars.
 21. Minnow dealers license, ten dollars.
 22. Guide license, ten dollars.
 23. Taxidermist license, ten dollars.
 24. Wildlife hobby license, one dollar.
 25. Zoo license, fifteen dollars.
 26. Trapping license, valid for the taking for fur-bearing animals, predatory animals and nongame birds, one dollar.
 27. Shooting preserve license, twenty-five dollars.
 28. Field trial license, one dollar.

B. The license fees set forth in subsection A are the maximum amounts which may be charged, but the commission may, at its discretion, reduce license fees any amount deemed necessary. If it becomes necessary to limit or further regulate the taking of any species of wildlife, the commission may order issuance of an additional license or permit and fix fees therefor.

17-334: Sale of Licenses; Bonds of License Dealers:

A. Hunting, fishing and other licenses shall be issued by such person as may be designated license dealers by the commission. The commission may suspend or revoke a dealer's license for failure to comply with rules and regulations specified by commission order.

B. License dealers shall furnish the state a bond in an amount deemed necessary by the commission to protect the interest of the state, and premiums on such bonds shall be paid by the license dealer.

17-335: Minors; Blind Residents:

A. A blind resident or a resident or nonresident under the age of fourteen years may fish without a license and shall be entitled to the same privileges as the holder of a valid license, except that such person shall be entitled only to one-half the legal bag and possession limit of trout.

B. A resident or nonresident under the age of fourteen years may, without a license, when accompanied by a person holding a valid hunting license, take wildlife, except big game species, during open season, but not more than two such children shall accompany a person holding such a license.

C. No child under the age of twelve excepting those having satisfactorily completed the Arizona firearms safety course, shall take big game.

D. The proper license shall be required, except as otherwise specified by the commission, for taking of big game species.

17-336: Complimentary Licenses: A complimentary license may be issued by the commission to a pioneer seventy years of age or older who has been a resident of this state for twenty-five or more consecutive years immediately preceding application for such a license.

17-337: Soldier's Hunting and Fishing Licenses: A member of the armed forces of the United States on active duty and stationed in this state may purchase a resident license permitting the taking of wildlife, except big game species.

17-338: Disposition of Fees From Sale of Licenses or Permits:

A. License dealers shall by the tenth day of each month transmit to the department all license or permit fees collected and furnish such information as the commission may prescribe.

B. Persons issuing licenses or permits other than the department shall retain as their compensation five per cent of all license or permit fees collected.

17-339: Reports and Returns by Licensing Dealers; Penalty for Noncompliance: Each license dealer shall by the tenth day of July, or on demand of the commission, return to the department all duplicate stubs, unused licenses, permits and big game tags together with a full and complete report of the licenses and permits issued and the money received during the license year. Failure to make such return within thirty days shall automatically cancel said license dealership, and failure to comply with the provisions of this section is a misdemeanor.

17-340: Revocation and Denial of Right to Obtain License; Notice:

A. Upon conviction and in addition to other penalties prescribed by this title, the commission, after public hearing, may revoke or suspend a license issued to any person under this title, and deny him the right to secure another license to take wildlife for a period of not to exceed five years for:

1. Taking or unlawful possession of wildlife during closed season.
2. Careless use of firearms which has resulted in injury or death of any person.
3. The willful destruction of property while taking wildlife.
4. Littering public hunting or fishing areas while taking wildlife.

B. In carrying out the provisions of this section the director shall notify such person or licensee by registered mail within ninety days after conviction, to appear and show cause why his license should not be revoked or suspended.

C. The commission shall furnish to license dealers the names and addresses of persons

whose licenses have been revoked or suspended, and the periods for which they have been denied the right to secure licenses.

17-341: Obtaining License or Permit by Fraud; Penalty:

A. It is unlawful for a person to obtain by fraud or misrepresentation a license or permit to take wildlife and a license or permit so obtained is void and of no effect from the date of issuance thereof.

B. Any person who violates this section shall be punishable by a fine of not less than fifty nor more than three hundred dollars, by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

17-342: Colorado River Special Use Permit:

A. A person taking fish for purposes other than for profit from or while on a boat or other floating device on the waters of the Colorado river and on adjacent waters where the river forms a boundary between the states of Arizona and California, shall have in his possession a valid angling or fishing license issued by either the state of Arizona or the state of California. In addition to one of the above described licenses, such person shall have in his possession a valid California or Arizona-Colorado river special use permit, as provided by sections 17-343 and 17-344, which shall be obtained on payment of a fee to be fixed by the commission at not to exceed two dollars.

B. A person having in his possession a valid Arizona fishing license must have a California-Colorado river special use permit to legally fish the waters described in subsection A. A person having in his possession a valid California angling license must have an Arizona-Colorado river special use permit to legally fish the waters described in subsection A. Such special use permit when accompanied by the proper license will allow the holder to fish in any portion of such waters and permit him to enter the waters from any point.

C. Shore line fishing does not require a Colorado river special use permit as long as the fisherman remains on the shore of the state from which he holds a valid license and does not embark on the water.

17-343: Reciprocal Sale of Licenses and Special Use Permits:

The Arizona game and fish department and the California department of fish and game may enter into a reciprocal agreement to handle licenses and special use permits of either state and issue them to their authorized dealers. Arizona shall by August 31 of each year make an audit report together with remittance to California covering such sales. California shall by March 31 of each year make an audit report and remittance to Arizona covering such sales.

17-344: Period of Validity of Special Permits: Arizona-Colorado river special use permits shall be valid from January 1 to December 31, inclusive. California-Colorado river special use permits shall be valid from July 1 to June 30, inclusive.

ARTICLE 3. TRAPPERS, GUIDES AND TAXIDERMISTS

17-361: Trappers; Licensing; Restrictions; Duties; Reports:

A. The holder of a trapper's license and a resident under the age of fourteen years may trap predatory, nongame, and fur-bearing mammals under such restrictions as the commission may specify.

B. All traps shall be plainly identified with the name, address, or registered number of the owner, and such markings of identification shall be filed with the department. All traps in use shall be inspected daily.

C. It shall be unlawful for a person to disturb the trap of another unless authorized to do so by the owner.

17-362: Guides; Appointment; Licenses; Duties; Reports; Carrying Firearms:

A. No person shall act as a guide without first satisfying the director of his qualifications and without having procured a license therefor. No person under the age of twenty-one years nor any nonresident shall be issued a guide license. If a licensed guide fails to comply with the provisions of this title or is convicted of violating any provision of this title, his license may, after public hearing, be revoked by the commission and he shall be liable to punishment as for a violation of this title.

B. By July 10, or at the request of the commission, guides shall report to the department, on forms provided therefor, the name and address of each person guided, the number of days he has been so employed and the number and species of game animals taken. No guide license shall be issued to any person who has failed to deliver the report to the department for his preceding license year, or until meeting such requirements as the commission may prescribe.

C. No person acting as guide shall carry firearms other than a revolver or pistol.

17-363. License to Practice Taxidermy:

A. No person shall engage in the business of a taxidermist or dealing in furs or hides without a license which may be granted to any person at the discretion of the commission.

B. A Taxidermist shall keep a register, and exhibit it upon request, of the names and addresses of persons who furnish raw and unmounted specimens, the date and number of each species of wildlife received, and shall by the tenth day of October, January, April and July, file a report with the department of such entries on forms provided therefor.

ARTICLE 4. TRANSPORTATION AND STORAGE

17-371. Transportation:

A. A person may transport in his possession his legally taken wildlife, or may authorize the transportation of his legally taken big game, provided such big game or any part thereof has attached thereto a valid transportation permit issued by the department. Such wildlife shall be transported in such manner that it may be inspected by authorized persons upon demand until the wildlife is packaged or stored. Species of wildlife, other than game species, may be transported in any manner unless otherwise specified by the commission. A person possessing a valid license may transport lawfully taken wildlife other than big game given to him but in no event shall any person possess more than one bag or possession limit.

B. A holder of a resident license shall not transport from a point within to a point without the state any big game species or parts thereof without first having obtained a special permit issued by the department or its authorized agent.

C. Migratory birds may be possessed and transported in accordance with the migratory bird treaty act and regulations thereunder.

D. Heads, horns, antlers, hides, feet, or skin of wildlife lawfully taken, or the treated or mounted specimens thereof, may be possessed, sold and transported at any time, except that migratory birds may be possessed and transported only in accordance with federal regulations.

17-372: Shipment by Common Carrier:

A. A common carrier shall not transport any wildlife except as provided for under this title.

B. Wildlife may be shipped during the open season, or within five days thereafter, but such shipment shall not exceed the possession limit for anyone species and no more than one such possession limit may be shipped in a period of seven consecutive days. When shipped a valid permit shall be firmly attached to such shipment and the specimens shall be clearly and conspicuously labeled with the name and address of the consignor and consignee and an accurate

statement of the contents of package.

C. A resident may ship wildlife as provided under this section, except that a holder of a resident license shall not ship or offer for shipment from a point within to a point without the state any big game species or parts thereof without first having obtained a special permit issued by the department or its authorized agent.

17-373. Storage: Commercial food establishments processing or storing wildlife shall stamp all packages containing such wildlife with a stamp furnished by the department and such packages shall be marked with the date received or processed. The operator of such establishment shall keep a record, and exhibit it upon request, of the names and addresses of persons who furnish such wildlife for processing or storage, the date, amount, and species of such wildlife received.

CONSERVATION PROJECTS AND FEDERAL COOPERATION

ARTICLE 1. RESTORATION PROJECTS

17-401. Definitions: In this article, unless the context otherwise requires:

1. "Secretary" means the secretary of the interior of the United States, or any officer or agency of the United States authorized to administer the restoration acts.
2. "Restoration acts" means the Pittman-Robertson federal aid in wildlife restoration act found in 50 stat. 917; 16 U.S.C. 669-669; and the Dingell-Johnson federal aid in fish restoration act found in 64 stat. 430; 16 U.S.C. 777-777K, and includes the rules and regulations issued by the secretary pursuant thereto.
3. "Restoration projects" or "projects" means a project for selection, restoration, rehabilitation or improvement of areas of land or water adaptable as feeding, resting or breeding places for wildlife or fish, and includes acquisition by purchase, lease or gift of the property or interest therein as may be suitable or capable of being made suitable therefor, and the construction of such works as may be necessary to efficient administration of wildlife resources, and such preliminary or incidental expenses as may be incurred in and about the project.

17-402: Acceptance of Federal Aid Acts:

A. The state assents to the provisions of public law 415, 75th congress, chapter 899, first session, and public law 861, 81st congress.

B. The commission shall be the agency of the state for the purposes of this article.

17-403: Restoration Projects: The commission may cooperate and enter into agreements with the secretary for establishment, maintenance and completion of restoration projects, pursuant to the restoration acts.

17-404: Acquisition of Lands: The commission, in the name of the state and with approval of the governor, may acquire by purchase, lease or gift, either for cash or upon installments, such lands or other property or interest therein as may be necessary for the purpose of carrying on a restoration project pursuant to an agreement entered into between the commission and the secretary.

17-405: Acceptance of Grants:

A. The commission shall notify the secretary of its desires to avail itself of monies apportioned not later than sixty days after receipt of certification by the secretary of the estimated amount to be apportioned to this state.

B. Upon receipt of final certification by the secretary of the amount apportioned to this state for any fiscal year pursuant to the restoration acts, the state treasurer shall transfer this state's one-third share of the amount so apportioned from any monies appropriated by the

legislature of this state for the specific purpose of carrying out the provisions of the restoration acts, and if the monies are insufficient, the commission may transfer from the game and fish fund such sum as it deems advisable to further match the federal apportionments. Monies received from the federal aid to restoration funds of the United States established and maintained pursuant to the restoration acts shall be deposited in the restoration accounts. Claims against the accounts shall be made and paid in the manner provided by law for payment of claims against the game and fish fund.

C. Monies in the restoration accounts shall be expended solely for work allowable under the provisions of the restoration acts and for which the secretary agrees to contribute a sum not to exceed seventy-five per cent of the cost from the federal aid to restoration funds.

17-406: Revolving Fund; Appropriation; Purpose and Reimbursement:

A. There is established a permanent revolving fund to be known as the game and fish restoration revolving fund.

B. The fund is appropriated for the initial financing or continuation of projects approved in compliance with the provisions of the restoration acts of congress known as the Pittman-Robertson act and the Dingell-Johnson act and provisions of section 17-402.

C. Funds received from the secretary for deposit in the restoration accounts shall be deposited to the credit of the revolving fund to the extent of expenditures therefrom.

D. This article is exempt from the provisions of section 35-190 relating to lapsing appropriations.

ARTICLE 2. FISH HATCHING AND CULTURE

17-421: Right to Conduct Fish Hatching and Culture; Limitations:

A. The secretary of the interior is granted the privilege to conduct fish hatching, fish culture and other operations connected therewith, including the acquisition of land, with the approval of the commission, in any manner and at any time that may be considered by the secretary necessary and proper, any laws of the state to the contrary notwithstanding.

B. Nothing in this section shall be construed as permitting or granting to the secretary jurisdiction over or interference with the established activities or facilities of the department nor shall this section be construed as contravening any law of this state relating to public health or water rights.

Section 3: Appropriation: The sum of one hundred fifty thousand dollars is appropriated to the Commission from the game and fish fund to be deposited in the game and fish restoration revolving fund. *Approved March 18, 1958.*

Chapter 89

Senate Bill 144: An Act Relating to State Lands; Providing for the Transfer of Papago Park to the Arizona State Parks Board; Authorizing the Arizona State Parks Board to Lease or Sell Said Lands Under Certain Terms and Conditions; Classifying Said Lands, and Prescribing Procedure for Sale or Lease Thereof

This act transferred jurisdiction and administration of Papago Park from the State Land Department to the Arizona State Parks Board, thus clearing the way for a land transfer to the Phoenix Zoo. Prior to this time, the Arizona Game and Fish Department had maintained a warm-water fish hatchery here, along with its Region V office and maintenance yard. *Approved March 18, 1958*

**TWENTY-FOURTH LEGISLATURE,
FIRST REGULAR SESSION, 1959**

**Chapter 146 (House Bill 311) Subdivision 82, Arizona Game and Fish Commission,
Appropriations Bill**

From the Arizona Game and Fish Protection Fund the following is appropriated:

| | | |
|--------------------------------|--------------------------------------------------------------------------------------|-----------------------------|
| Personal Services | | |
| | Administration | \$ 94,866.00 |
| | Law Enforcement | 157,810.00 |
| | Game Management | 13,320.00 |
| | Information and Education | 23,330.00 |
| | Fisheries | 104,820.00 |
| Total Personal Services | | \$ 394,116.00 |
| | | |
| | Travel—State | \$ 80,100.00 |
| | Travel—Out-of-State | 3,750.00 |
| | Subscriptions and Organization Dues | 250.00 |
| | Professional Services | 1,500.00 |
| | Employers' Contribution for Old Age and Survivors' Insurance and State Retirement | 24,632.00 |
| | Other Current Fixed Charges | 21,100.00 |
| | Lake and Stream Control | 25,000.00 |
| | Other Current Expenditures | 150,600.00 |
| | Uniform Allowance | **7,350.00 |
| | Fish Food | 95,000.00 |
| Capital Outlay | | |
| | Equipment | 35,000.00 |
| | Buildings and Improvements | 72,000.00 |
| <i>Total Capital Outlay</i> | | \$ 107,000.00 |
| | | |
| | Dingell-Johnson Act for Fish Restoration | ***\$ 25,000.00 |
| | Pittman-Robertson Act for Wildlife Restor. | ****125,000.00 |
| | Cooperative Wildlife Research Unit | 6,000.00 |
| | Predator Control | 25,900.00 |
| | | |
| Total Appropriation | | *****\$ 1,092,298.00 |

Approved April 2, 1959

*This appropriation is made to enable the state to cooperate with the Federal Wildlife Department for the eradication of predator animals.

**This appropriation is to be available at a rate of \$12.50 per month for each man, and only at the expiration of each month's service.

***This appropriation is made to enable the State to carry out the provisions of Public Law 681, Eighty-first Congress, providing for cooperation with the State in Fish Restoration and

Management projects.

****This appropriation is made to enable the State to cooperate with the Federal Government for the preservation of Wildlife Restorations.

*****This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

TWENTY-FOURTH LEGISLATURE, SECOND REGULAR SESSION, 1960

Chapter 23, Senate Bill 191, An Act Relating to Game And Fish; Making a Reallocation of Funds, and Exempting Buildings and Improvements Funds From Lapsing

This act reallocated \$10,000 from the “fish food” category to be available for spending on other items. It exempted the Capital Outlay for Buildings and Improvements from state provisions regarding lapsing of appropriations. *Approved March 17, 1960.*

Chapter 79, Senate Bill 222, An Act Relating to the Game And Fish Fund; Providing for Surplus Funds to be Deposited in Banks; Prescribing the Per Cent That the Rate of Interest Shall Not Exceed, and Amending Section 17-262, Arizona Revised Statutes

This act allowed the Arizona Game and Fish Commission to deposit excess funds in banks or invest them in certificates of deposit or similar investments. *Approved March 25, 1960.*

Subdivision 83, Arizona Game and Fish Commission, Appropriations Bill

From the Arizona Game and Fish Protection Fund the following is appropriated:

| | | |
|--|-----------------------------------------------------------------------------------|-----------------------------|
| | Personal Services | \$ 490,000.00 |
| | Travel–State | 90,000.00 |
| | Travel–Out-of-State | 3,750.00 |
| | Subscriptions and Organization Dues | 300.00 |
| | Professional Services | 1,500.00 |
| | Building and Equipment Insurance | 9,000.00 |
| | Employers’ Contribution for Old Age and Survivors’ Insurance and State Retirement | 31,850.00 |
| | Liability Insurance | 7,000.00 |
| | Other Current Fixed Charges | 5,300.00 |
| | Lake and Stream Control | 25,000.00 |
| | Other Current Expenditures | 175,000.00 |
| | Uniform Allowance | **8,250.00 |
| | Fish Food | 95,000.00 |
| | Capital Outlay– Equipment | 52,000.00 |
| | Capital Outlay– Buildings and Improvements | 196,000.00 |
| | <i>Total Capital Outlay</i> | \$ 248,000.00 |
| | | |
| | Dingell-Johnson Act for Fish Restoration | ***\$ 30,000.00 |
| | Pittman-Robertson Act for Wildlife Restoration | ****100,000.00 |
| | Cooperative Wildlife Research Unit | 6,000.00 |
| | Predator Control | *26,000.00 |
| | | |
| | Total Appropriation | *****\$ 1,351,950.00 |

*This appropriation is made to enable the state to cooperate with the Federal Wildlife Department for the eradication of predatory animals.

**This appropriation is to be available at a rate of \$12.50 per month for each man, and only at the expiration of each month's service.

***This appropriation is made to enable the State to carry out the provisions of Public Law 681, Eighty-first Congress, providing for cooperation with the State in Fish Restoration and Management projects.

****This appropriation is made to enable the State to cooperate with the Federal Government for the preservation of Wildlife Restorations.

*****This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

TWENTY-FIFTH LEGISLATURE, FIRST REGULAR SESSION, 1961

Chapter 44, Senate Bill 29, An Act Making an Appropriation to the Arizona Game and Fish Commission for the Purpose of Establishing a Radio Communication System

This act appropriated \$170,000 to the Arizona Game and Fish Commission for establishing a "private mobile radio communication system," including "the purchase and installment of base station equipment" and the purchase of mobile units, monitoring units, and necessary control units. *Approved March 20, 1961.*

Subdivision 85, Arizona Game and Fish Commission, Appropriations Bill

From the Arizona Game and Fish Protection Fund the following is appropriated:

| | |
|-------------------------------------------------------|-----------------|
| Personal Services | \$ 576,765.00 |
| Professional Services | 1,500.00 |
| Travel—State | 127,500.00 |
| Travel—Out-of-State | 4,500.00 |
| Subscriptions and Organization Dues | 500.00 |
| Building and Equipment Insurance | 9,000.00 |
| Liability Insurance | 6,000.00 |
| Uniform Allowance | 9,834.00 |
| Employers' Contribution for OASI and State Retirement | 35,000.00 |
| Current Fixed Charges | 14,820.00 |
| Other Current Expenditures | 194,000.00 |
| Fish Food | 95,000.00 |
| Lake and Stream Control | 25,000.00 |
| Capital Outlay— Equipment | 79,155.00 |
| Capital Outlay— Buildings and Improvements | 240,000.00 |
| <i>Total Capital Outlay</i> | \$ 319,155.00 |
| | |
| Dingell-Johnson Act for Fish Restoration | ***\$ 32,000.00 |
| Pittman-Robertson Act for Wildlife Restor. | ****110,000.00 |
| Cooperative Wildlife Research Unit | 12,000.00 |
| Predator Control | *30,000.00 |

| | |
|----------------------------|-----------------------------|
| | |
| Total Appropriation | *****\$ 1,602,574.00 |

*This appropriation is made to enable the state to cooperate with the Federal Wildlife Department for the eradication of predatory animals.

**This appropriation is to be available at a rate of \$12.50 per month for each man, and only at the expiration of each month's service.

***This appropriation is made to enable the State to carry out the provisions of Public Law 681, Eighty-first Congress, providing for cooperation with the State in Fish Restoration and Management projects.

****This appropriation is made to enable the State to cooperate with the Federal Government for the preservation of Wildlife Restorations.

*****This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

TWENTY-FIFTH LEGISLATURE, SECOND REGULAR SESSION, 1962

Chapter 16, House Bill 230, An Act Making an Appropriation to the Arizona Game and Fish Department for Completing Construction of the Lynx Creek Dam

This act appropriated \$75,000 for the completion of Lynx Creek Dam near Prescott.

Chapter 85, Senate Bill 129, An Act Relating to Game And Fish; Providing for Licensing on a Calendar-Year Basis; Amending Sections 17-101, 17-332, 17-339, 17-343, 17-344 and 17-362, Arizona Revised Statutes

Section 1 amended Sec. 17-101, Arizona Revised Statutes, to read:

17-101. Definitions

A. In this title, unless the context otherwise requires :

1. "Angling" means the taking of fish by one line and not to exceed two hooks, or by one line and one artificial lure which may have attached more than one hook, or by one line and not to exceed two artificial flies or lures.
2. "Bag limit" means the maximum limit, in number or amount, of wildlife which may lawfully be taken by anyone person during a specified period of time.
3. "Closed season" means the time during which wildlife may not be lawfully taken.
4. "Commission" means the Arizona game and fish commission.
5. "Department" means the Arizona game and fish department.
6. "Device" means any net, trap, snare, salt lick, scaffold, deadfall, pit, explosive, poison or stupefying substance, crossbow, firearm, bow and arrow, or other device used for taking wildlife.
7. "Guide" means a person who for pay, aids or assists any person in taking wildlife.
8. "License year" means the twelve-month period between January 1 and December 31, inclusive.
9. "Nonresident" means a citizen of the United States who has not been a bona fide resident of the state of Arizona for one year immediately preceding the date of application for a license, or an alien.
10. "Open season" means the time during which wildlife may be lawfully taken.
11. "Possession limit" means the maximum limit, in number or amount of wildlife, which may be possessed at one time by anyone person.

12. "Resident" means a citizen of the United States who has been a bona fide resident of the state of Arizona for one year immediately preceding the date of application for a license, or a member of the armed forces who has been stationed in Arizona for a period of thirty days immediately preceding the date of application for a license.
 13. "Road" means any maintained right of way for public conveyance.
 14. "Statewide" means all lands except those areas lying within the boundaries of state and federal refuges, parks and monuments, unless specifically provided differently by commission order.
 15. "Take" means pursuing, shooting, hunting, killing, capturing, snaring, netting, placing or using any net or other device, or trapping wildlife.
 16. "Traps" or "trapping" means taking of wildlife in any manner except with gun or implement in hand.
 17. "Wildlife" means all wild mammals, wild birds and the nests or eggs thereof, Gila monsters and horned lizards, amphibians, and fish, including their eggs or spawn.
 18. "Zoo operator" means any person engaged for capital gain in the operation of a zoo or otherwise holding wildlife in captivity for exhibition purposes.
- B. The following definitions of wildlife shall apply:
1. Game mammals are deer, elk, bear, antelope, mountain sheep, bison (buffalo), peccary (javelina), tree squirrel and cottontail rabbit.
 2. Big game are wild turkey, deer, elk, antelope, mountain sheep, bison (buffalo), and peccary (javelina).
 3. Small game are game birds of all kinds, except wild turkeys, and all game animals not listed as big game.
 4. Fur-bearing animals are muskrats, raccoons, coati-mundi, opossums, otters, mink, beaver, badgers and ringtail cats.
 5. Predatory animals are foxes, skunks, mountain lions, coyotes, wolves, jaguars, weasels, bobcats, ocelots, porcupines and feral house cats.
 6. Nongame animals are all wild animals except game animals, fur-bearing animals and predatory animals.
 7. Upland game birds are quail, partridge, grouse, pheasants and chukars.
 8. Migratory game birds are waterfowl, including brandt, wild geese and swans; cranes, including little brown, sand hill and whooping cranes; rails including coots, gallinules, sora and other rails; shore birds, including avocets; curlews, dowitchers, god wits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willets, woodcock and yellow legs; wild doves and wild pigeons.
 9. Nongame birds are all birds except upland game birds and migratory game birds.
 10. Song or insectivorous birds include, but are not limited to all species of thrushes, thrashers, mockingbirds, wrens, warblers, gnatchers, flycatchers, swallows, swifts, shrikes, vireos, tanagers, hummingbirds, nuthatches, creepers, dippers, kinglets, pipits, waxwings, silky flycatchers, titmice, larks, meadowlarks, orioles, redwing blackbirds, grosbeaks (including pyrrhuloxia), cardinals, buntings finches, sparrows (including juncos, but excluding the English or house sparrow), flickers, cuckoos (including roadrunner or chaparral cock) and trogons, goatsuckers, woodpeckers (except sapsuckers), audobon caracaras, eagles (but not including golden eagles), vultures, gulls, terns, shorebirds, inca doves, ground doves, all hawks (except cooper hawks, sharp shinned hawks, goshawks and ospreys) and all owls (except great

horned owls).

11. Game fish are trout of all species, bass of all species, pike of all species, catfish of all species, and sunfish of all species.
12. Nongame fish are all the species of fish except game fish.
13. Protected reptiles are gila monsters and horned lizards.
14. Amphibians are American bullfrogs.

Section 2 amended Sec. 17-332, Arizona Revised Statutes, to read:

17-332. Form and Contents of License; Duplicate Licenses; Period Of Validity

A. Licenses shall be prepared by the department and furnished and charged to dealer-authorized to issue licenses. The license shall be issued in the name of the department and countersigned by issuing dealer. Each license shall be signed by the licensee in ink on the face thereof and any license not so signed is invalid. With each license authorizing the taking of big game the department shall provide such tags as the commission may prescribe, which the licensee shall attach to the game animal in such manner as prescribed by the commission.

B. The commission shall issue with each license a shipping permit entitling the holder of the license to a shipment of game or fish as provided by article 4 of this chapter.

C. It shall be unlawful, except as provided by the commission, for any person to apply for and sign as licensee in anyone license year more than one original license permitting the taking of big game species. The dealer who sold the original license or the department may issue a duplicate license provided the person requesting such license furnishes the information deemed necessary. A fee of one dollar shall be collected for each duplicate license issued.

D. No license or permit is transferable, nor shall it be used by anyone except that person to whom such license or permit was issued, and no refunds can be made for the purchase thereof.

E. All licenses, issued, except any special licenses issued by the commission and nonresident five-day and pioneer complimentary license, and Nevada-Arizona Colorado River special use stamps, shall be for the license year and shall expire on December 31 following date of issuance.

Section 3 amended Sec. 17-339, Arizona Revised Statutes, to read:

17-339. Reports and Returns by Licensing Dealers; Penalty for Noncompliance

Each license dealer shall by the tenth day of January, or on demand of the commission, return to the department all duplicate stubs, unused licenses, permits and big game tags together with a full and complete report of the licenses and permits issued and the money received during the license year. Failure to make such return within thirty days shall automatically cancel said license dealership, and failure to comply with the provisions of this section is a misdemeanor.

Section 4 amended Sec. 17-343, Arizona Revised Statutes, to read:

17-343. Reciprocal Sale of Licenses and Special Use Permits

The Arizona game and fish department and the California department of fish and game may enter into a reciprocal agreement to handle licenses and special use permits of either state and issue them to their authorized dealers. Arizona shall by March 31 of each year make an audit report together with remittance to California covering such sales. California shall by March 31 of each year make an audit report and remittance to Arizona covering such sales.

Section 5 amended Sec. 17-344, Arizona Revised Statutes, to read:

17-344. Period of Validity of Special Permits

Arizona-Colorado river special use permits and California-Colorado river special use permits shall be valid from January 1 to December 31, inclusive.

Section 6 amended Sec. 17-362, Arizona Revised Statutes, to read:

17-362. Guides; Appointment; Licenses; Duties; Reports; Carrying Firearms

A. No person shall act as a guide without first satisfying the director of his qualifications and without having procured a license therefor. No person under the age of twenty-one years nor any non-resident shall be issued a guide license. If a licensed guide fails to comply with the provisions of this title or is convicted of violating any provision of this title, his license may, after public hearing, be revoked by the commission and he shall be liable to punishment as for a violation of this title.

B. By January 10, or at the request of the commission, guides shall report to the department, on forms provided therefor, the name and address of each person guided, the number of days he has been so employed and the number and species of game animals taken. No guide license shall be issued to any person who has failed to deliver the report to the department for his preceding license year, or until meeting such requirements as the commission may prescribe.

C. No person acting as guide shall carry firearms other than a revolver or pistol.

Section 7 Enabling Clause

To enable the department to change the license year from a fiscal year to a calendar year basis, all licenses except any special licenses issued by the commission and nonresident five-day and pioneer complimentary licenses. issued from July 1, 1963, to December 31, 1963, inclusive, shall be valid only through March 15, 1964. *Approved March 22, 1962*

Chapter 98 (House Bill 273) amended Sections 17-211 and 17-201.

Section 23 amended Section 17-211 of the Arizona Revised Statutes to read:

17-211. Director; Selection; Removal; Powers and Duties; Employees

A. The commission shall appoint a director of the Arizona game and fish department, who shall be the chief administrative officer of the game and fish department, and shall fix his annual salary at not to exceed thirteen thousand eight hundred dollars. The director shall be selected on the basis of administrative ability and general knowledge of wildlife management. The director shall act as secretary to the commission, and shall serve for a term of five years, but he may be removed by the commission, after public hearing, for inefficiency, neglect of duty or misconduct in office. If the director is removed, the commission shall make, in its minutes, a complete statement of the proceedings and all charges made against the director, and its findings thereon. The director shall not hold any other office, and shall devote his entire time to the duties of his office.

B. The commission shall prepare an examination for the post of director to comply with the requirements of this title. The examination shall be conducted at the offices of the commission at the capital to establish an active list of eligible applicants. The director shall be selected from those scoring satisfactory grades and having other qualities deemed advisable by the commission, and the commission may call for additional examinations from time to time for selection of a new list of eligible applicants to fill a vacancy.

C. The director may appoint employees necessary to carry out the purposes of this title, when funds for the payment of their salaries are appropriated. Department employees shall be located in different sections of the state where their services are most needed. All appointments must be made in accordance with procedures, salary grades and qualifications established by the commission. The director may dismiss an employee for inefficiency, neglect of duty or misconduct. Such employee shall be entitled to an appeal before the commission after filing a written request for a hearing within thirty days after date of discharge. The director shall file in the department office a complete statement of charges made against the employee and the

findings thereon after such written request is received. If the employee fails to file such request within the thirty-day period his rights to appeal are waived and the action of the director shall be final.

D. The director and department personnel shall be paid their actual and necessary subsistence and traveling expenses as the commission may prescribe, but such expenses shall not exceed those prescribed by law for other state employees .

E. The director shall have general supervision and control of all activities, functions and employees of the department and shall enforce all provisions of this title, including all commission rules and regulations. Game rangers and wildlife managers may, in addition to other duties:

1. Execute all warrants issued for a violation of this title.
2. Execute subpoenas issued in any matter arising under this title.
3. Search without warrant any aircraft, boat, vehicle, box, game bag or other package where there is sufficient cause to believe that wildlife or parts thereof is possessed in violation of law.
4. Inspect all wildlife taken or transported and seize all wildlife taken or possessed in violation of law, or showing evidence of illegal taking.
5. Seize as evidence devices used illegally in taking wildlife and hold them subject to provisions of section 17-240.
6. Generally exercise the powers of peace officers with primary duties the enforcement of this title.
7. Seize devices that cannot be lawfully used for the taking of wildlife and are being so used and hold and dispose of same pursuant to section 17-240.

Section 74 amended Section 17-201 of the Arizona Revised Statutes to read:

17-201. Game and Fish Department and Game and Fish Commission Members; Appointment; Removal; Meetings

A. The laws of the state relating to wildlife shall be administered by the game and fish department. Control of the department is vested in the game and fish commission. The commission shall consist of five members, appointed by the governor with the advice and consent of the senate. Not more than three members shall be members of the same political party, and all members shall be residents of different counties. Members shall be well informed on the subject of wildlife and requirements for its conservation. Appointments shall be for a term of five years, but an appointment to fill a vacancy shall be for the unexpired portion of a term.

B. The governor may, after public hearing, remove a member for inefficiency, neglect of duty or misconduct in office. Upon removal of a member the governor shall file in the office of the secretary of state a complete statement of all charges made against the members and his findings thereon, together with a complete record of the proceedings.

C. Each member of the commission while attending general or specific meetings of the commission or while performing official duties for the commission shall receive a per diem of twenty dollars plus necessary travel and other expenses as provided by law for state officers. A commission member who is otherwise employed as a public officer shall not receive such payment if it is prohibited by law. Compensation and expenses shall be paid monthly from the game and fish fund.

D. Members shall qualify by giving bond to the state in the principal amount of five thousand dollars, conditioned upon faithful performance of their duties. Premiums on the bonds shall be paid from the game and fish fund.

E. The commission shall have its principal office at the state capitol but meetings may be held at any time or place within the state. The commission shall meet at least once quarterly. Meetings may be held at the call of the chairman or majority of the commission. A majority of the commission shall constitute a quorum to transact business.

Subdivision 82, Arizona Game and Fish Commission appropriation

| | | |
|--|-------------------------------------------------------|-----------------------------|
| | Personal Services | \$ 630,661.00 |
| | Professional Services | 1,500.00 |
| | Travel–State | 137,500.00 |
| | Travel–Out-of-State | 4,750.00 |
| | Buildings and Equipment Insurance | 10,500.00 |
| | Employers’ Contribution for OASI and State Retirement | 43,357.00 |
| | Liability Insurance | 6,500.00 |
| | Subscriptions and Organization Dues | 500.00 |
| | Uniform Allowance | 12,240.00 |
| | Current Fixed Charges | 15,000.00 |
| | Other Current Expenditures | 233,900.00 |
| | Fish Food | 85,000.00 |
| | Lake and Stream Control | 25,000.00 |
| | Capital Outlay– Equipment | 136,665.00 |
| | Capital Outlay– Buildings and Improvements | ***572,500.00 |
| | Capital Outlay– Land | 12,500.00 |
| | <i>Total Capital Outlay</i> | \$ 721,655.00 |
| | | |
| | Pittman-Robertson Act for Wildlife Restor. | ****105,000.00 |
| | Dingell-Johnson Act for Fish Restoration | *****36,000.00 |
| | Cooperative Wildlife Research Unit | 12,000.00 |
| | Predator Control | *30,000.00 |
| | | |
| | Total Appropriation | *****\$ 2,111,073.00 |

*This appropriation is made to enable the state to cooperate with the Federal Wildlife Department for the eradication of predatory animals.

**This appropriation is to be available at a rate of \$15.00 per month for each man, and only at the expiration of each month’s service.

***This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

****This appropriation is made to enable the State to cooperate with the Federal Government for the preservation of Wildlife Restorations.

*****This appropriation is made to enable the State to carry out the provisions of Public Law 681, Eighty-first Congress, providing for cooperation with the State in Fish Restoration and Management projects.

*****This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.